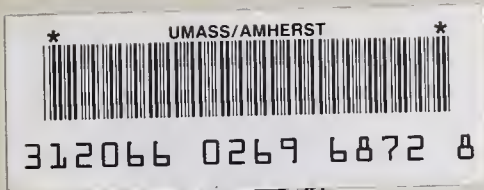


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THE HANDBOOK
FOR
MASSACHUSETTS STATE MANAGERS

913/222



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE FOR
ADMINISTRATION AND FINANCE
STATE HOUSE, BOSTON 02133

WILLIAM F. WELD
Governor

PETER NESSEN
Secretary

June 12, 1991

Dear Colleague:

I am pleased to make this newly revised Manager's Handbook available to you. It contains succinct information about the state's administrative systems and will help you to achieve the goals you have set for your departments.

The topics covered include: personnel procedures, employee benefits, human resource development, and purchasing and procurement, as well as information on the conflict of interest law, indemnification and individual political activity.

While we have an obligation to adhere to these policies and procedures, they need not become obstacles in our efforts to achieve results. This Handbook provides essential information on how to get things done within the government's administrative framework. It should be a valuable tool to you in fulfilling your responsibilities and managing your operations at a time of diminishing resources.


This Handbook has been produced to be useful to you. If you feel it can be improved, please contact the Personnel Administrator, Massachusetts Department of Personnel Administration.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Bill Weld".

William F. Weld
Governor



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Introduction

Managers play a key role in the conduct of the public's business. The knowledge, skill and integrity with which managers carry out their duties and responsibilities determine to a large extent the way in which the citizens of the Commonwealth view their state government. The purpose of THE HANDBOOK is to help guide and support Massachusetts State Managers in meeting this management challenge and keeping the public trust.

Managing in the public sector is harder than managing in the private sector. This is not because the management issues are more difficult or the managerial techniques different, but because the openness of the governmental environment invites scrutiny and creates an accountability rarely experienced in private business. So while state managers, like their private industry counterparts, are expected to manage in a cost effective manner, they are further obligated to serve the public interest no matter what the cost.

The myriad of laws, rules, regulations, policies and procedures are daunting to say the least. Knowing how to find out about them is the first step in understanding what it takes to be a successful manager in Massachusetts State Government. The contents of THE HANDBOOK have been carefully prepared by knowledgeable and experienced state managers to assist other state managers in discovering what must be done and what must be avoided when managing in state government. While THE HANDBOOK is not the definitive source of answers to all public management questions, it is a tool that allows a good manager to manage better.

The objective of THE HANDBOOK is to provide key information in a convenient, readable and accessible form. THE HANDBOOK does not purport to contain all the information about the topics covered. Reference sources have been identified for the manager who needs more detailed information about a particular topic. These reference sources will be particularly important for revised information on policies and procedures until updates to this edition of THE HANDBOOK can be prepared and issued.

Peter Nessen
Secretary for Administration and Finance

June, 1991

Executive Organization Chart

OFFICE OF THE GOVERNOR
OFFICE OF THE LIEUTENANT GOVERNOR

EXECUTIVE OFFICE OF HUMAN SERVICES	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	EXECUTIVE OFFICE OF ECONOMIC AFFAIRS	EXECUTIVE OFFICE OF ELDER AFFAIRS	EDUCATION
Department of Public Health Department of Mental Health Department of Mental Retardation Commission for the Blind Commission for the Deaf and Hard of Hearing Department of Correction Department of Public Welfare Office for Children Rate Setting Commission Department of Social Services Massachusetts Rehabilitation Commission Parole Board Veterans Services Soldiers' Home - Chelsea Soldiers' Home - Holyoke Department of Youth Services Department of Medical Security Office for Refugees & Immigrants	Office of the Comptroller Department of Revenue Department of Personnel Administration Fiscal Affairs Division, Budget Bureau Department of Procurement and General Services Office of Employee Relations Division of Capital Planning & Operations Office of Management Information Systems Bureau of Special Investigations Commission Against Discrimination State Office of Affirmative Action Division of Public Employee Retirement Administration Teachers Retirement Office of Disability Group Insurance Commission George Fingold Library Appellate Tax Board Civil Service Commission Mass. Mediation Services Board of Library Commissioners Office of Quality Assurance Board of Developmental Disabilities Retirement Law Commission	Department of Employment & Training Mass. Office of Business Development Office of Travel and Tourism Minority and Women Business Assistance	Department of Elder Affairs	Department of Education Board of Regents of Higher Education

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS	EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION	EXECUTIVE OFFICE OF PUBLIC SAFETY	EXECUTIVE OFFICE OF CONSUMER AFFAIRS	EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT	EXECUTIVE OFFICE OF LABOR
Department of Environmental Management	Massachusetts Bay Transportation Authority	Department of Public Safety	Department of Public Utilities	Division of Housing	Department of Labor and Industries
Department of Environmental Protection	Massachusetts Turnpike Authority	Registry of Motor Vehicles	Community Antenna Television Commission	Division of Municipal Development	Board of Conciliation and Arbitration
Metropolitan District Commission	Massachusetts Port Authority	Civil Defense Agency and Office of Emergency Preparedness	Division of Registration	Division of Neighborhood and Economic Opportunity	Joint Labor-Management Committee
Department of Fisheries, Wildlife and Environmental Law Enforcement	Regional Transit Authority	Criminal Justice Training Council	Division of Insurance		Labor Relations Commission
Department of Food and Agriculture	Massachusetts Aeronautics Commission	Criminal Systems History Board	Division of Standards		Department of Industrial Accidents
	Department of Public Works	Office of Chief Medical Examiner	Alcoholic Beverages		Industrial Accident Board
		Committee on Criminal Justice	Control Commission		
		Governor's Hwy. Safety Board	State Racing Commission		
		Merit Rating Board	Board of Registration and Discipline in Medicine		
		Capitol Police	Administration of Energy Resources		
		Board of Building Regulations and Standards			
		Massachusetts Firefighting Academy			
		Metropolitan Police			

Administrative Systems of State Government

The practice of management has been and continues to be changed by the rapidly evolving information technology in today's environment. State managers must contend with a myriad of administrative systems reflecting the basic business functions needed by state government. An extensive array of computer systems have been developed to support management planning, organizing, directing and controlling activities. The intent of this Overview of State Systems is simply to introduce managers to the overall systems structure, content, names, acronyms and cognizant agency as well as to provide a brief narrative description.

Overview

For the most part the administrative systems of state government have been developed by and for the branch of government they serve. At the same time, many departments within the branches have developed their own systems, offering both programmatic and administrative support. Some of the systems reported here also have functions beyond those that relate to statewide systems.

On the diagram of Statewide Systems, there is no correlation between the size of the box and the size of the system. Each box represents a system, and a box inside another box represents a subsystem. Arrows show the automated links between systems.

For easy reference, a chart is included linking each entry by number to the diagrams described above. The chart lists each system's acronym, its full name and its owner. Additional information may be requested from the owner of the system.

The Family of Financial Systems

The automated General Ledger and Accounts Payable system of state government is MMARS, the Massachusetts Management Accounting and Reporting System. All executive branch agencies manage their finances (general accounting, budget, vendor payments, procurement, payroll, and expense monitoring) via MMARS. MMARS also

receives data from the three Commonwealth payroll systems: PMIS, CAPS and HRMIS, which are described in the section on human resources and compensation management systems.

MMARS is particularly well suited to reporting on spending by appropriation account, organization, vendor and type of purchase (supplies, personnel, etc.). It is also an essential tool for a number of central service agencies charged with managing the finances of the Commonwealth. These include the Budget Bureau, which uses MMARS data as input to its budget decision support system (MASSFABS); the Treasurer, who uses MMARS data to trigger vendor payments (WIS); and Procurement and General Services, which uses a subsystem of MMARS, the Extended Purchasing System (EPS) to issue purchase, lease and service orders, and to insure that procurements are within budget. MMARS also interfaces with many departmental systems.

A MMARS reports manual, listing the reports and their purposes, is available from the Comptroller's Office. In addition to the standard reports, agencies can create their own reports using IMAGINE, an end-user report writing system, and MASSLINK, a system that transfers data from the mainframe computer at the OMIS Data Center to agency PC-based spreadsheet and database applications.

The Family of Human Resource and Compensation Management Systems

The largest member of the family of human resource and compensation management systems is PMIS, the executive branch's Payroll/Personnel Management Information System. PMIS maintains personnel and position data and forwards a payroll to the Treasurer's Office each week for over 60,000 employees and consultants. Report information is available from OMIS's Bureau of Systems Services. Ad hoc reports from PMIS data can be created with IMAGINE and MASSLINK.

In addition to the executive branch payroll system, two other systems provide data to statewide reporting systems. These are the Commonwealth Automated Payroll System (CAPS) and the Human Resources Management Information System (HRMIS). CAPS provides payroll information on employees of the Judiciary, legislative staff, some constitutional offices and all of the institutions of higher education except UMass. HRMIS provides payroll and personnel information on UMass employees.

To bring together management information from each of these three systems, an interface called the Massachusetts Personnel/Payroll Reporting System (MPRS, pronounced "mippers") was created. MPRS combines employee data from PMIS, CAPS, and HRMIS to report on all persons on state payrolls except officials elected to the Legislature and members of the Governor's Council. Payroll information on these Commonwealth employees is included in the Legislative Payroll System.

To support the need of the Commonwealth's senior managers, a new comprehensive reporting system, the Personnel Administrative Reporting and Information System (PARIS), is now being developed. PARIS pulls human resource and payroll information from many of the major Commonwealth reporting systems, including PMIS, MMARS, CAPS and MPRS. Through PARIS, managers can get immediate answers to such questions as *"Does Joe Smith work for the Commonwealth, and if so, where?"* and *"How many FTEs paid out of budgetary funds are part of the executive branch of government?"* As more of the existing systems join in feeding PARIS, the more complete our picture of state government becomes.

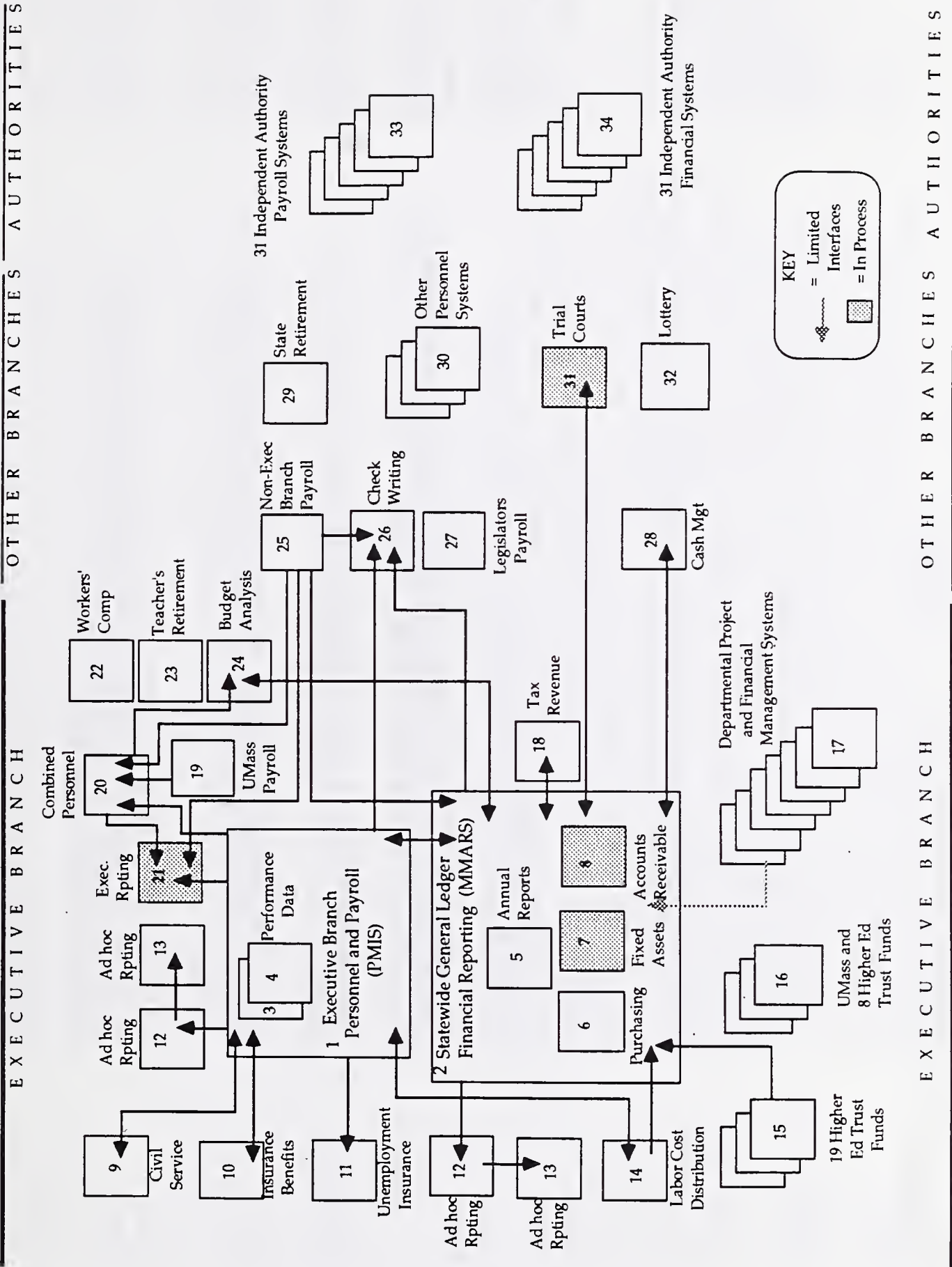
A Word on Intra/Interagency Connectivity

The Commonwealth's Wide Area Network (WAN) is rapidly becoming a major statewide system. Its ability to speed up and simplify day-to-day communication has made it one of the most readily accepted electronic office systems ever introduced to state government.

Over the past two years, over 3,000 PCs and Macintosh computers in Administration and

Finance, Human Services and Environmental Protection Agencies have been interconnected. An additional 2,000 - 3,000 desktop computers may be added over the next year. All WAN members currently have electronic mail and file transfer services. Members that need it also have access to the OMIS Data Center, and to the statewide systems such as MMARS and PMIS that reside there. In the near future, centralized FAX services and a WAN-wide Bulletin Board will be available.

Statewide Administrative Systems and Automated Links to the Executive Branch



LEGEND

Chart No.	Common Name	Official Name and Function	Owner
1	PMIS	<u>Payroll/Personnel Management Information System.</u> The Executive department's personnel and payroll database, used by local and central service agencies to manage positions, personnel, salary, and payroll information.	Executive Office for Administration and Finance
2.	MMARS	<u>Massachusetts Management Accounting and Reporting System.</u> The statewide payable and account information database. Allows agencies to maintain their own accounts and interfaces with most of the major programmatic financial systems.	Office of the Comptroller
3.	EPRS	<u>Employee Performance Review System.</u> A subsystem of PMIS that tracks the performance of the Commonwealth's bargaining unit employees.	Office of Employee Relations.
4.	PMS	<u>Performance Management System.</u> A subsystem of PMIS that tracks the performance of the Commonwealth's management employees, linking the accomplishment of objectives to salary increases.	Department of Personnel Administration
5.	Annual Reporting	A subsystem of MMARS that produces the financial reports used for the Commonwealth.	Office of the Comptroller
6.	EPS	<u>Extended Purchasing System.</u> A subsystem of MMARS that manages the competitive procurement process, insures compliance with required constraints.	Office of the Comptroller
7.	Fixed Assets	A planned subsystem of MMARS that will maintain detailed records on the Commonwealth's land, buildings, capital improvements, equipment, vehicles and construction projects.	Office of the Comptroller
8.	NTR/RA	<u>Non-Tax Revenue/Accounts Receivable.</u> A new subsystem of MMARS that will identify and bill non-tax revenue such as federal reimbursements, license usage and registration fees, and income from assessments and sale of goods.	Office of the Comptroller

Chart No.	Common Name	Official Name and Function	Owner
9.	ELIPSYS	<u>Examination and List Information Processing System.</u> Manages the civil service examination process including fee processing, site scheduling, examination scoring, validation of employee and position information.	Department of Personnel Administration
10.	MAGIC	<u>Massachusetts Group Insurance Commission.</u> Extracts benefits data from PMIS for the Group Insurance Commission, generating payroll deductions and tracking the insurance benefit payments of active and retired Commonwealth employee.	Group Insurance Commission
11.	Unemployment Insurance	The system used by the Department of Employment and Training to manage unemployment information, tract employer payments and authorize payment to unemployed workers.	Department of Employment and Training
12.	IMAGINE	An ad-hoc reporting system that allows end users to create their own reports from extracts of MMARS or PMIS data.	OMIS & Office of Comptroller
13.	MASSLINK	An ad-hoc reporting system that enables end users to download MMARS or PMIS data from the OMIS Data Center to PC spreadsheets and databases.	OMIS
14.	LDS	<u>Labor Distribution System.</u> Distributes payroll costs according to expense budget requirements.	Office of the Comptroller.
15.	Higher Education Trust Funds	Nineteen state institutions of higher education use MMARS to manage monies from non-appropriated trust fund accounts.	Higher Education
16.	UMASS and Higher Ed Trust Funds	UMASS and eight other state institutions of higher education run their own independent financial systems to manage monies from non-appropriated trust fund accounts.	UMASS & other Institution of Higher Education
17.	Departmental Systems	An ever-growing number of systems designed to support agency-specific programs. Examples include the billing system of the Departments of Mental Health and Mental Retardation, CAPICS, DCPO's capital construction project system; MMIS, Welfare's medicaid system, ASSIST, Social Service's client registration and payment system and DPMIS, the DPGS data processing inventory system.	Various Departments

Chart No.	Common Name	Official Name and Function	Owner
18.	MASSTAX	<u>Massachusetts Tax Administration System.</u> The system run by the Department of Revenue to support the Commonwealth's tax revenue programs, such as income, corporate, estate, trustee, and sales taxes.	Department of Revenue
19.	HRMIS	<u>Human Resource Management Information System.</u> Maintains personnel information and prepares the payroll for all UMASS Staff. An extract from HRMIS that excludes data on those paid from trust funds, is regularly submitted to MPRS.	University of Massachusetts
20.	MPRS	<u>Massachusetts Personnel/Payroll Reporting System.</u> A system that receives payroll and personnel information from PMIS, CAPS, and HRMIS, thus providing a centralized repository of data on persons on the Commonwealth payrolls.	Executive Office for Administration and Finance
21.	PARIS	<u>Personnel Administrative Reporting and Information System.</u> An information system now being developed that compiles data from the Commonwealth's major personnel and payroll systems and produces executive level human resource for strategic planning and management purposes.	Executive Office for Administration and Finance
22.	PERA	<u>Public Employee Retirement Administration.</u> This system is used to manage workers' compensation information and pay benefits to injured public employees.	Public Employee Retirement Administration
23.	Teachers' Retirement	The system by the Teachers' Retirement Board to manage benefit information and pay benefits to retired public school teachers.	Teachers' Retirement Board
24.	MASSFABS	<u>Massachusetts Fiscal Analysis and Budgeting System.</u> Extracts data from MMARS and MPRS, enabling the Budget Bureau to analyze, project, and manage revenue expenditures and personnel.	Budget Bureau
25.	CAPS	<u>Commonwealth Automated Payroll System.</u> Prepares and tracks monthly payroll data from the judiciary, legislative staff, Higher Education staff (except UMASS), and some constitutional offices.	Office of the Comptroller

Chart No.	Common Name	Official Name and Function	Owner
26.	WIS	<u>Warrant Information System.</u> A system run by the Treasurer's Office that produces payroll and vendor checks, based on data received from PMIS and MMARS, and approved by the Governor's Council.	Treasurer
27.	Legislative Payroll	Maintains payroll information and authorizes paychecks for members of the General Court and the Governor's Council.	Treasurer
28.	Treasurer's Cash Management System	The system run by the Treasurer's Office to manage the cash flow of the Commonwealth.	Treasurer
29.	State Retirement Board	The system run by the State Retirement Board to manage benefit information and pay benefits to retired public employees.	State Retirement
30.	Other Personnel Systems	Personnel systems operated by state institutions of higher education, and non-executive branch agencies.	Various Agencies & Institutions
31.	Trial Courts	An accounting and reporting system planned by the Trial Courts, designed to interface with MMARS, which will manage the finances of the Judiciary.	Trial Courts
32.	Lottery	The system run by the Lottery Commission to monitor the finances of the state lottery.	Treasurer
33.	Independent Authority	Payroll and personnel systems operated by 31 independent authorities.	Various Authorities
34.	Independent Authority Financial	There are approximately 31 independent authorities that receive state monies, each of which has its own financial reporting system, procedures, and terminology.	Various Authorities

PERSONNEL PROCEDURES.

Affirmative Action and Non-Discrimination

The Commonwealth of Massachusetts is an affirmative action, equal opportunity employer. General Laws Chapter 151B prohibits discrimination because of race, color, national origin, religion, sex, handicap, age or sexual preference in all employment practices including hiring, firing, promotion, compensation, and all other terms, privileges and conditions of employment. Additionally, there are a number of federal laws which prohibit employment discrimination.

The Commonwealth's position regarding affirmative action is contained in Executive Order 227 which mandates that "non-discrimination and equal opportunity are the policies of the Executive Department of the Commonwealth of Massachusetts in all of its decisions, programs, and activities."

Under Executive Order 227, each appointing authority is required to provide official support and appropriate personnel to the goal of affirmative action/equal opportunity. Each appointing authority is also directly responsible for the following:

- the appointment of a highly-placed person to supervise the development and enforcement of affirmative action;
- the maintenance and periodic updating of an approved affirmative action plan;
- the filing of appropriate monthly, quarterly and annual reports; and
- compliance with guidelines and/or recommendations set forth by the State Office of Affirmative Action.

In addition to the general affirmative action policy in Executive Order 227, the following specific affirmative action practices and policy amendments have been established through executive order:

- Executive Order 237, Minority Business Development

- Executive Order 246, Handicapped Individuals
- Executive Order 253, Vietnam Era Veterans

Inherent in these requirements is the assumption that each appointing authority continually works toward accomplishing the agency or department's affirmative action goals and timetables as set forth by the State Office of Affirmative Action.

Additional Information

For additional information on non-discrimination, contact the Massachusetts Commission Against Discrimination, 6th Floor, One Ashburton Place, Boston, MA 02108, telephone (617) 727-3990.

For additional information on affirmative action, contact the State Office of Affirmative Action, Room 303, One Ashburton Place, Boston, MA 02108; telephone (617) 727-7441.

Notes

Civil Service

Unless expressly exempt by law, all positions in state service are subject to civil service law (General Laws Chapter 31). Those positions exempt from civil service include management positions in grades M-V through M-XII and gubernatorial appointment to positions which are not part of the state's classification plan.

The purpose of the civil service system is to implement basic merit principles in the hiring, training, promotion, and retention of state employees. Please refer to the *Glossary of Personnel and Civil Service Terms* at the end for the definitions of key terms.

How the Process Works

Only an appointing authority or her/his designee can fill a vacancy in a position covered by civil service; a complete list of appointing authorities may be obtained from the Department of Personnel Administration (DPA). To do so, she/he must initiate a requisition action utilizing the Personnel/Payroll Management Information System (PMIS) requisition screen. If a civil service eligible list already exists as the result of an examination, DPA sends a portion of that list to the appointing authority. This partial list is referred to as a "certification." At the same time, DPA notifies all individuals whose names are on the certification that their names have been forwarded to the agency. Within two weeks, all individuals who are interested in the available position must indicate their interest to the appointing authority and sign the list indicating their interest.

Normally, the appointing authority receives a number of names equal to twice the number of vacancies stated in the requisition, plus one (i.e., five names from which to select for two vacancies, etc.). The appointing authority may select any of the eligible candidates within this selection range when making original appointments. If an appointing authority has more than one promotional vacancy to fill, she/he must pick, from among the first three individuals willing to accept, to fill the first

vacancy; from the first five willing to accept to fill the second vacancy, etc.

If a civil service list does not exist, the position may be filled on a provisional basis until a civil service eligible list is established. The appointing authority must remove any individual filling a position on a provisional basis within 30 days of receipt of a certification of names from an eligible list. At that point, the position must either be filled from the eligible list or left vacant.

A provisional appointment may be made or continued despite the issuance of a certification if the certification contains fewer than three names willing to accept for one position and if the Personnel Administrator approves the appointing authority's statement of reason as to why the list of one or two names is insufficient.

To fill a particular position, the appointing authority may request that DPA hold an *open competitive exam* (i.e., an exam open to the general public), a *departmental promotional exam* (i.e., an exam open only to persons with civil service status already in the departmental unit), an *alternate departmental promotional exam*, or *both* open competitive and promotional exams. The Personnel Administrator must approve which exam(s) will be given.

Appointment or Promotion on a Provisional Basis

When a position is filled provisionally, the person appointed to fill it is considered either a provisional appointee or a provisional promotee. If an appointing authority has requested an open competitive examination, the person immediately selected to fill the position is considered a provisional appointee. If the appointing authority requests a promotional examination, the person immediately selected to fill the position is a provisional promotee.

A provisional promotee must be selected from that group eligible to take the promotional exam. If a promotional exam is requested, the appointing authority must select a person who has been employed from a certified list in a job title in the series one level below the vacancy. This person must also be both qualified and willing to accept. If no person in the next lower title is either qualified or willing to accept provisional promotion, any eligible person may be selected, regardless of grade.

Any appointing authority wishing to make a provisional appointment must appoint a qualified veteran to the position. In the event she/he appoints a non-veteran, the appointing authority must certify in writing to DPA that no qualified veteran was willing and able to accept the appointment. DPA maintains a pool of potentially qualified veterans (veterans may file applications for the kind of work in which they are interested and qualified; DPA keeps that information on file for one year). An appointing authority wishing to make a provisional appointment must consult this file.

Eligible Lists

Applicants who pass the civil service examinations are placed upon the eligible list for a particular title if they meet any established additional qualifications beyond the exam (i.e., degrees, diplomas, certificates, specific work experience, or medical condition). Ranking on the eligible list follows the order established by statute:

- . all disabled veterans with scores ranging from 100% to the test passing score;
- . all veterans;
- . widows or widowed mothers of veterans killed in action or deceased because of wartime disabilities; and
- . non-veterans.

Part-time Employment

A regular part-time employee is eligible to take a promotional examination if she/he: 1) meets the training and experience requirements established by the Personnel Administrator for

that examination, and 2) has completed one calendar year of service following appointment from an eligible list.

A regular part-time employee appointed from an eligible list may acquire civil service tenure, seniority and reinstatement rights in the same manner as a full-time employee. Full-time tenured employees converting to part-time status in the same position or another position in the same title may transfer tenure rights to the part-time position.

Special Certification Programs

There are currently four special civil service certification programs which cover certain eligible persons seeking appointments in public employment: 1) veterans' preference; 2) Personnel Administration Rule (PAR) 10 covering women and minorities; 3) Section 47A covering "disadvantaged" individuals; and 4) Personnel Administration Rule (PAR) 09 for selective certification of persons with special qualifications.

1. *Veterans' Preference.* By law, the order of placement on an eligible list from an open competitive examination is:

- . any disabled veterans;
- . any veterans;
- . any widows or widowed mothers of veterans killed in action or who died from wartime disabilities;
- . all others.

This preference is allowed only after the eligible individual has first passed the examination based upon the passing score established by the Personnel Administrator. In promotional exams, any veteran (disabled or not) who passes the exam is awarded an additional two points which are added to his/her score. Once this addition is made, the veteran is placed on the eligible list in rank order along with all others.

2. *Personnel Administration Rule (PAR) 10.*

This rule is sometimes referred to as the "3+3" program. The purpose of this rule is to permit state appointing authorities a wider range of selection in order to fulfill affirmative action

goals for the appointment of women and minorities to civil service positions:

When filing a requisition for a position, an appointing authority may request that the Department of Personnel Administration use this rule to provide an alternate civil service list for either women or minorities. The appointing authority's agency must have an approved affirmative action plan on file with the State Office of Affirmative Action. DPA then conducts a statistical analysis to determine whether there is underutilization of the "protected" group in the job category requested.

If such underutilization does exist, DPA provides an alternate list in addition to the regular list, allowing the appointing authority to review three additional women or minority candidates for possible appointment for each position. The appointing authority is therefore able to fill one position from a pool of as many as six candidates, at least three of whom will be minorities and/or women.

3. *Chapter 31, Section 47A (formerly Chapter 778)*. This statute provides a means for increasing appointments to entry-level civil service positions in state and municipal agencies of "disadvantaged" individuals who have successfully completed a certified federal or state-funded work training program. Eligible applicants must pass a civil service examination following the training and be certified as a disadvantaged person. A disadvantaged person is one whose family net income does not exceed low income guidelines established by the federal government and who meets one of the following additional criteria:

- . does not have a high school education or its equivalent;
- . is a member of a minority group;
- . is under 21 or over 44 years;
- . is handicapped.

These applicants are then placed on an alternate civil service list (a "778" list"), which an appointing authority will routinely receive in addition to the regular list for entry level titles.

This alternative list can be used in the same manner as one generated under PAR 10.

Certified training programs, such as those administered by the Executive Office of Economic Affairs, the Department of Public Welfare, the Board of Regents, and the Department of Education may be classroom or on-the-job training. In-service state agency training programs can also be certified by the Department of Personnel Administration.

4. *Selective Certification*. A selective certification for a civil service position may be requested from the Department of Personnel Administration based on sex, bilingual proficiency, or possession of other special skills or knowledge not easily acquired on the job. The appointing authority making such a request must provide information on the population served, the special qualifications needed for the particular job, and the reasons for the request.

If information is not available as to the bilingual capabilities of applicants on the eligible list, each applicant will be polled by the appointing authority, and a proficiency test for oral and written skills in the specific language will be administered.

Authorization of Appointment

When the appointing authority has selected applicants for appointment from the certification, a report on certification is submitted to the Personnel Administrator. This report must state the reasons for selection of any persons whose rank on the certification is below that of those who are not selected.

Layoff

Circumstances may arise which necessitate an agency to implement a reduction in force plan. This would be based upon a programmatic and/or financial analysis of the agency's missions, mandates and staffing. When the decision is made by the appointing authority to abolish positions, or it is determined that funds are insufficient to continue filling existing positions, the appointing authority makes the initial decision as to which titles will be

affected by layoff. Once that decision is made, the agency must notify the State Office of Affirmative Action (SOAA) and the Office of Employee Relations (OER) prior to implementing any layoff procedures. Administrative Bulletin 91-2 contains specific instructions covering layoffs.

The Department of Personnel Administration (DPA) is available for consultation concerning the impact of tenure provisions either under the civil service law or other tenure statutes. Generally, any person(s) filling the affected title on a provisional basis must be separated from the title first. If a provisional employee has a permanent appointment from which she/he has been provisionally promoted, she/he will return to her or his permanent position; if the provisional employee is without permanent status in any position, she/he will be terminated without further civil service rights.

After any provisional employees are terminated from the affected title, any employees in temporary status (See *Glossary of Personnel and Civil Service Terms*) in the title will be returned to their permanent positions or terminated.

In the case where all positions in a title selected for elimination are filled by persons holding the position in permanent status, the following procedures must be followed:

- If the position is at the entry-level in a series, termination is to be made in inverse order of civil service seniority, apart from the disabled veterans in the title, and a hearing must be held pursuant to the General Laws, Chapter 31, sections 39 and 41.
- If the position is at a level above entry level in the title series, the permanent employee with the least civil service seniority must be offered demotion, provided she/he has more civil service seniority than a permanent employee in the title(s) below (General Laws Chapter 31, section 39). Permanent civil service employees who have been laid off or demoted pursuant to General Laws Chapter 31, section 39 have reinstatement

rights in their former departmental units under the same law and reemployment rights to the civil service title from which they have been separated in other departmental units (General Laws Chapter 31, section 40).

Termination of Appointment

The Personnel Administrator has the authority and the obligation to terminate the appointment of any provisional employee found after investigation to be unqualified, and of any employee (whether provisional, temporary, or permanent) whose appointment the Personnel Administrator finds to be in violation of law or personnel administration rules.

Appeals

The Civil Service Commission is an appellate body which hears appeals from actions of the Department of Personnel Administration filed by those persons whose employment status has been affected by actions pursuant to the General Laws, Chapter 31, section 2(b). Appellants may protest the validity of a civil service examination, the finding of ineligibility for an examination, or the Personnel Administrator's approval of an appointing authority's appointment/selection process. In appeals concerning the selection process, the appointing authority is an appellant before the Commission along with the Personnel Administrator's representative. The Commission also hears appeals from disciplinary actions of the appointing authorities pursuant to General Laws, Chapter 31, sections 42 and 43.

Additional Information

For additional information regarding civil service, consult General Laws Chapter 31 and the Personnel Administration Rules.

Collective Bargaining

Collective bargaining governs the Commonwealth's work force along with the civil service/merit system. The statutory framework for collective bargaining for state employees is contained in Chapter 150E of the General Laws which was enacted in 1973. Chapter 150E extends to all employees the right to organize and bargain collectively over wages, hours, and other terms and conditions of employment.

- Managerial employees are excluded from the coverage of the Law because they formulate policy. Such persons can generally be identified by their job group, i.e., M I-XII.
- Confidential employees are excluded because they directly assist and act in a confidential capacity to a managerial employee (e.g., secretary to an agency head). No employee is considered to be confidential unless approved by the Office of Employee Relations.

Under the law the Secretary of the Executive Office for Administration and Finance, is the "employer" of Executive Branch employees. The Office of Employee Relations (OER) is the Secretary's designee in all labor relations matters and as such is the only agency authorized to negotiate collective bargaining agreements or to bind the Commonwealth or its agencies prospectively to any form of labor agreement.

More than 90 percent of the state's employees have collective bargaining rights. The collective bargaining law is administered and enforced by the state Labor Relations Commission, a quasi-judicial agency which fulfills a role similar to that performed by the National Labor Relations Board in the private sector.

All bargaining unit employees in the Executive Branch, with the exception of Higher Education, are assigned by job title to one of the twelve statewide bargaining units established by the Labor Relations

Commission. A list of these assignments is available from OER. Each bargaining unit is represented by a union or association selected through election by employees.

Collective Bargaining Agreements

Currently, all bargaining units are covered by collective bargaining agreements. These agreements generally continue in effect until a successor agreement is negotiated. The agreements determine the wages, hours, and benefits of employees in the units covered by the agreements. The agreements are binding on all state managers and supervisors who supervise bargaining unit employees and cover a wide range of topics, including:

- compensation (see page A 24)
- criteria and procedures for provisional promotion
- regulation of leave benefits (vacation, family, personal, sick, union, etc.)
- procedures for transfers and shift and day off selection
- work schedules, overtime, and compensatory time off
- holidays
- health insurance contributions
- affirmative action/non-discrimination
- layoff
- disciplinary procedures

Contract negotiations are conducted by OER with the various unions representing state employees. Prior to the commencement of negotiations for new contracts, OER generally contacts the management of affected agencies, soliciting their input toward a unified management strategy for negotiations. Representatives of the management of major agencies are usually invited to participate in the actual negotiations.

Grievances

Each of the collective bargaining agreements contains either a four or five step grievance procedure culminating in final and binding arbitration. The first step of the grievance

procedure is generally within the first level of management. The final step before arbitration is OER.

Grievances may be filed by an employee and/or by the union where a violation of the contract is believed to have occurred.

As a practical matter, however, many grievances are filed which do not directly relate to any contract violation but rather call into question practices or policies which are perceived as unwise or unfair. Such grievances should not be dismissed out of hand.

It should be noted that the grievance procedure is intended to serve a number of purposes besides that of providing a forum for redress of literal violations of specific contract provisions. A primary purpose of the procedure is the positive effect it can have when employees perceive that management listens to them and takes their concerns seriously, even if management concludes by disagreeing and denying the grievance. Another valuable by-product of the grievance procedure is the management information which can be gained by analyzing the nature and location of employee dissatisfaction.

Rather than merely examining whether an employee can prove a specific violation of a contract provision management should, where appropriate, attempt to identify and resolve the underlying reason which prompted the filing of the grievance. In addressing any grievance, management should consider whether there is any means possible by which the employee's legitimate concern can be accommodated without jeopardizing the objectives of the management action which caused the grievance to be filed.

There are many occasions on which grievances must be formally answered and denied. Once settlement attempts have failed or been deemed inappropriate, the person deciding the grievance must confine the grievance answer to the specific contract violation alleged to have occurred. The grievance answer must be in writing, and should be limited to the specific question of whether the contract has been violated.

Managers should note that the filing of a grievance does not halt implementation of any proposed management action. For example, management may proceed to promote or discharge an employee even though a grievance has been filed challenging the action. In the event that the grievance is successful, the grievant will generally be "made whole" for any losses incurred as a result of the contract violation.

OER will conduct training sessions on request for managers and supervisors who are involved in the handling of grievances.

Prohibited Practices

Restrictions on managerial rights are contained in the various contracts. Additionally, the collective bargaining law extends rights to employees and provides a method of enforcement of such rights in the Labor Relations Commission. These statutory provisions fall into two broad categories:

- *Discrimination, interference or coercion.* Employees have the right to organize and engage in concerted activity for the purpose of bargaining over wages, hours and other terms and conditions of employment. Management may not interfere with these rights by discriminating against employees who engage in such protected activity. For example, an employee may not be disciplined or denied a promotion because she/he files large numbers of grievances.
- *Refusal to bargain.* The Commonwealth is required by law to bargain with certified unions over wages, hours and other terms and conditions of employment. Such bargaining is conducted by OER (with representation from agencies) in the context of periodic contract negotiations which result in the collective bargaining agreements described earlier.

All of the agreements negotiated by OER contain "zipper clauses", in which the union acknowledges that during the negotiations leading to the contract it had the opportunity to bargain over all appropriate subjects and that the union waives its right to any further

bargaining for the life of the contract, generally three years.

The Labor Relations Commission has, however, held that such a contract provision can waive bargaining rights only over those circumstances in existence at the time the contract is signed. For example, a union may sign a contract containing no provisions governing transfer of employees. Normally, the union could not require the Commonwealth to bargain over transfer procedures during the life of the contract. If, however, the Commonwealth changed a long-standing practice regarding the handling of transfers during the life of the contract, the union could require that the Commonwealth bargain over the change.

Should the Commonwealth fail to notify the union of the change prior to implementing it, thereby depriving the union of the opportunity to bargain over it, this may constitute a prohibited practice, and the Labor Relations Commission could order the Commonwealth to rescind the change and to restore the status quo pending negotiations with the unions. Naturally, such an order can be quite disruptive to effective management.

In order to avoid such results, managers should make a practice of advising their agency labor relations department and OER in advance of any contemplated change which affects terms or conditions of employment so that appropriate notification and, if necessary, discussion with the affected unions may occur.

Labor Management Committees

Although only OER is authorized to bargain with unions representing state employees, individual agencies and the unions representing agency employees have found periodic labor-management meetings at the agency level to be effective in improving relations. Such meetings, held between agency managers and local union officials, are not a substitute for contract negotiations or the grievance procedure. Rather, they are intended to supplement those devices by providing a forum for the discussion of local issues affecting only a particular agency. Through regular discussion and sharing of information,

management and labor can often address local issues which are not appropriate for statewide negotiations or the grievance procedure. Although such local committees lack the authority to enter into binding labor-management agreements, they often lead to shared understanding and joint efforts to address common problems such as health and safety and training and career ladders.

Management Rights

Under the collective bargaining law, the Commonwealth is obligated to bargain in good faith with employee representatives over wages, hours, and terms and conditions of employment. Chapter 150E does not, however, require the Commonwealth to make concessions or to agree to any union proposal with which it disagrees. The law simply requires that the Commonwealth bargain in a good faith attempt to reach an agreement. The Law establishes a process of bargaining; it does not dictate any particular result.

The only limits placed on management rights by various contracts are limits to which management has agreed. Under each of the collective bargaining agreements applicable to state employees, management has retained all of the typical management rights to hire, fire, promote, transfer, change work schedules, lay off, determine job content, and direct the work force. However, the Commonwealth has agreed, and the contracts require, that management exercise these rights using uniform criteria and procedures.

Management has the right to decide which employees are to be promoted, but it has agreed to promote only the most able employees applying for the position. Management has the right to discharge an employee, but it has agreed to do so only when there is just cause for such an action. Similarly, management has the right to change the work schedule of employees, but has agreed that it will give advance notice to the employees whose schedules are to be changed.

For the most part, the restrictions placed on management by the Collective Bargaining Law and the various contracts are restrictions on the process by which management implements decisions rather than on the decisions themselves.

Even typical managerial decisions concerning such subjects as reorganization, reduction in force, promotions, productivity standards and codes of conduct are laden with labor relations issues. When managers ignore procedural labor relations requirements, the implementation of such decisions can be delayed or, in some cases, rescinded after implementation. If, however, OER and departmental labor representatives are contacted early in the process, a plan for effective implementation of management decisions can almost always be developed which achieves the management objective without adversely affecting employee rights.

Courses And Procedures For Disciplinary Action

State employees who enjoy tenure through statute or collective bargaining agreement may be disciplined for a variety of reasons which may include failure to perform duties, violations of universal standards, such as violent or abusive behavior, chronic absenteeism or tardiness, ongoing abuse of sick leave or egregious conduct of any type.

The purpose of the procedures established by law or contract is to discourage the discharge or discipline of employees without proper consideration and evaluation. If a manager follows these procedures carefully, doing her or his "homework" at each step, appropriate disciplinary action may be taken and upheld.

For purpose of describing these disciplinary procedures, the following definitions should be used:

Collective bargaining tenured. An employee who has occupied a position in any bargaining unit for six or more consecutive months.

Statutory tenured. An employee who:

- holds a permanent civil service appointment whether or not the employee is currently occupying that position; or
- is a veteran and has held a position exempt from civil service for three years or more (see General Laws Chapter 30, section 9A); or
- is permanently employed for more than six months in a position exempt from civil service in any institution in the Departments of Mental Health, Mental Retardation, Public Health, Public Welfare, Correction, Youth Services or either of the Soldiers Homes (see General Laws Chapter 30, section 9B); or
- is permanently employed for three years as a teacher in any institution in the Departments of Mental Health, Mental Retardation, Public Health, Public Welfare, Correction or Youth Services

(see General Laws Chapter 30, section 9D).

Non-tenured. An employee who has not occupied a position in a collective bargaining unit for six or more consecutive months and who has not acquired statutory tenure under any of the four provisions cited above.

Non-Tenured Employees: Standards for Disciplinary Action

The appeal procedures available to a non-tenured employee who has been disciplined are very limited. The employee has no right to appeal the basic fairness of disciplinary action, either to the Civil Service Commission or through the grievance procedure under any collective bargaining agreement.

A non-tenured employee may, however, successfully appeal discipline if she/he can establish that the discipline was motivated by improper factors such as age, sex, mental or physical handicap, or union activity.

The appeal routes that may be available to a non-tenured employee who believes she/he has been unlawfully discriminated against include the Massachusetts Commission Against Discrimination, the State Office of Affirmative Action, the Equal Employment Opportunity Commission, the Labor Relations Commission, and the collective bargaining grievance procedure.

In the absence of such improper motivation, however, an appointing authority may discipline or discharge a non-tenured employee simply by informing the employee in writing of the action to be taken and the general reasons for such action (see Attachment 1, page A16).

Tenured Employees: The Legal Framework for Discipline and Routes of Appeal

The right to discipline employees in state service is vested by statute in the various appointing authorities or, in some cases, their

designees. The right to discipline employees is not, however, unlimited. The vast majority of state employees have vested tenure rights in their positions and may not be suspended or removed unless the appointing authority can establish that "just cause" exists for such action.

The legal standard of "just cause" has both substantive and procedural elements. Substantively, the punishment must fit the crime. For example, the discharge of an employee for one unexcused absence is not likely to be upheld because the penalty of discharge is grossly excessive in relation to the offense.

Procedurally, just cause requires that there be no "surprises" to the employee. Employees must be made to know what is expected of them and the likely consequences of any failure to meet those expectations.

If an employee's tenure rights arise under state law (General Laws, Chapters 30 and 31), she/he may appeal a suspension or removal to the Civil Service Commission. If an employee's tenure rights arise under a collective bargaining agreement, she/he may appeal through the grievance procedure of the applicable contract. If an employee has tenure rights under both the civil service law and a collective bargaining agreement, she/he may elect to follow *either* the Civil Service or the contractual appeal procedure. *She/he may not follow both.*

Under the collective bargaining grievance procedure, a tenured employee who has been suspended, demoted, or discharged may file a grievance directly with the agency head or his other designee. The collective bargaining contracts specify the time limits within which an employee may file a grievance or an appeal. If the grievance is denied, it may be appealed to OER. If the grievance is denied by OER, the union (not the employee) may decide to appeal to final and binding arbitration.

Under the statutory procedure, a tenured employee is entitled to receive a hearing with the appointing authority before any discipline more severe than a five-day suspension can be imposed. If, as a result of that hearing, the appointing authority decides to discipline the

employee, the employee may appeal directly to the Civil Service Commission. The employee must file this appeal within ten days of receipt of the written decision of the appointing authority.

An employee with statutory tenure may be suspended for five days or less without a prior hearing. The employee may, however, request a hearing within forty-eight hours. If the appointing authority's decision is unsatisfactory, the employee may appeal to the Civil Service Commission within ten days.

According to the United State's Supreme Court's 1985 decision in the so-called "Loudermill" case, any public employee (with either statutory or contractual tenure) must be afforded a pre-termination hearing prior to any proposed discharge for cause.

Tenured Employees:

General Standards for Disciplinary Action

Arbitrators, the Civil Service Commission, and the Courts affirm disciplinary action as long as several essential elements are present:

Sufficient cause. This element must exist to discipline an employee involved in continuing inappropriate behavior patterns, such as repeated tardiness, absenteeism, or substandard performance. Such cause is established by: 1) building a record of the employee's knowledge of the standard of behavior and performance expected of him or her; 2) consistently administering the standard; and 3) providing clear warnings that state the exact areas of unacceptable behavior and the date(s) of this behavior. The employee must be given full opportunity to both explain his or her actions, usually through an informal hearing at the local level, and achieve satisfactory reform or rehabilitation.

Progressively more severe discipline. The initial discipline must relate to the severity of the act, and then more severe penalties should be meted out for each additional offense. If, after warnings and disciplinary actions, the employee's conduct does not improve, she/he may be terminated.

Consistency and communication. Uniform standards of conduct and performance must be defined, well communicated and applied to all employees. Each appointing authority should inform her or his employees of the behavior or conduct considered unsatisfactory. Should any change be made in the standards, employees should be informed of that change. A lack of consistency in setting and enforcing departmental standards could result in the overturning of a manager's decision to discipline an employee.

Documentation. All facts and events must be documented as the case develops. Each occurrence of undesirable behavior and its adverse effects on departmental operations should be duly recorded by the supervisor and summarized in all subsequent actions. Verbal warnings should be noted with the date of issuance. Most cases that are overturned are the result of insufficient documentation on the part of the supervisor and/or appointing authority.

Warnings. If there is cause for discipline of an employee based on chronic behavior, action taken should be preceded by a minimum of two warnings.

Warnings fall into two categories: the informal verbal warning and the formal written warning. At least one formal written warning should precede disciplinary action.

The first warning (the informal verbal warning) should:

- . be in the form of a structured conversation at a time and place set aside from the regular work site; and
- . ensure that the employee fully understands the charges of misbehavior, the necessary response through improved performance within an agreed period of time, and the consequences of failure to respond; and
- . be documented by a letter or memo to the file.

The second warning (the formal written warning) should:

- . be in a letter given to the employee stating that if, within a stated period of time, performance does not improve or the undesirable behavior is repeated, the employee will be suspended or discharged; and
- . cite the content of the previous verbal warning and give strong indication of the specific consequences of further misconduct; and
- . be handed to or acknowledged by the employee through his or her signature or through some other written means; and
- . become a part of the employee's permanent record (see Attachment 2, page A17).

Appointing authorities must permit an employee to file a counter-statement.

Forms of Discipline

Suspension without pay normally precedes the discharge of an employee, except in the case of acute offenses. The number and length of suspensions depend on the appointing authority's judgment of the seriousness of the offense and should be applied consistently for similar offenses.

For those employees enjoying statutory tenure, the notice of suspension for a period not to exceed five days without prior hearing must be written and must contain:

- . specific reason(s) for suspension; and
- . notification that a hearing may be requested before the appointing authority within forty-eight hours of receipt of the suspension notice; and
- . a copy of sections 41, 41A, 42, 43, 44 and 45 of Chapter 31 of the General Laws (See Attachment 3, page A18).

Discharge, demotion or suspension for more than five days. These actions are appropriate when informal and formal warnings followed by one or more brief suspensions have failed to correct the problem. Such actions may also be

appropriate without prior warning in special circumstances as described later in this section.

An appointing authority who wishes to demote, discharge, or suspend an employee whose only tenure rights arise under a collective bargaining agreement may, but is not required to, hold a hearing prior to imposition of such disciplinary action. The employee must be given a letter which:

- contains the specific disciplinary action imposed; and
- contains the specific reason for the discipline; and
- provides notice of the right to file a grievance under the collective bargaining agreement (see Attachment 4, page A19).

An employee who holds statutory tenure may not be demoted, discharged or suspended for more than five days unless she/he is afforded a hearing by the appointing authority prior to imposition of the disciplinary action. Such an employee must be given a letter which:

- contains a statement of the specific reasons for the contemplated action; and
- contains notification of the employee's right to full hearing before the appointing authority; the date, time, and place of the hearing (written notice of this hearing must be received by the employee at least three days before the date of the hearing); and an indication that the appointing authority must render her/his decision within two days of the hearing (seven days after the receipt of the hearing officer's report if the appointing authority does not conduct the hearing) with reason(s) stated clearly and specifically; and
- must be accompanied by a copy of sections 41, 41A, 42, 43, 44, and 45 of Chapter 31 of the General Laws.

Note: A statute in 1983 added section 41A to Chapter 31. This section provides for the original disciplinary hearing to be held by a hearing officer rather than the appointing authority, if the appointing authority and the

subject employee so request. The statute further provides that if the new procedure is followed, there shall be no further appeal to the Civil Service Commission (see Attachments 5 and 6, page A20 & A21).

For Employees with Retirement Rights

Before any removal from a position becomes effective, employees who have 20 years of service, or who are over age 55 with 15 years of service, or who are veterans with more than ten years of service as members of the retirement system may have vested retirement rights. For these employees, the filing of notice of reasons with the Retirement Board is required.

Special Circumstances

Single acts of violence, dishonesty, disruption or threats may lead directly to dismissal even in the absence of prior warnings or suspension. Employees are presumed to know that they may not steal, assault other employees, or abuse their positions for private gain. Employees are also presumed to know that they may be discharged if they engage in such conduct. When immediate dismissal is found to be warranted after investigation, the following procedures should be followed:

- Employees with collective bargaining tenure may be discharged following a pre-termination hearing at which the employee is given an opportunity to provide his side of the story.
- Employees with statutory tenure may be suspended immediately for up to five days under the procedures previously outlined. The appointing authority should simultaneously institute the appropriate discharge procedures.

Misconduct in office resulting in indictment by a Grand Jury is grounds for indefinite suspension without pay under the provisions of Chapter 30, section 59 of the General Laws. If, however, the employee is not convicted, she/he is automatically entitled to reinstatement with full back pay. For this reason, it is generally advisable to pursue the normal procedures for suspension and discipline rather than simply

relying on the outcome of the criminal process. It is important to note that the standard of proof to uphold a disciplinary action by the appointing authority as having just cause is "preponderance of the evidence." It is therefore unwise to delay disciplinary action in order to rely on the result of a criminal proceeding in which the standard for guilt is "beyond a reasonable doubt" and in which admissible evidence may be limited.

Attachment 1: Suggested Letter of Discharge for Non-Tenured Employees

(Date)

Dear Ms. Smith:

This is to advise you that I am terminating your
employment with the _____
(agency)
effective at the close of business _____.
(date)

This action is taken because of your unsatisfactory

(reason)
which we have previously discussed.

Signed: _____
(Appointing Authority)

Attachment 2: Suggested Form For Formal Warning

(date) October 17, 1990

Dear Mr. Smith:

On October 3, 1990 in my office, I warned you
(date)

informally about your tardiness. At that time, we mutually
(infraction)

agreed that you would improve your required attendance
(performance standard)

during established hours of work by October 16, 1990.
(date)

During this period it has come to my attention that you
have been late four times: on October 9, October 11,
(infraction) (dates)

October 12, October 15. If your conduct does not

significantly improve by November 1, 1990, you may be
(date)

suspended without pay for two days.
(disciplinary action)

This letter is the formal warning that such action against you is being considered. Please acknowledge receipt of this warning. You may file a counter statement.

Signed: _____
(Appointing Authority)

Attachment 3: Suggested Form of Letter of Suspension For a Period Not To Exceed Five Days

(date) November 16, 1990

Dear Mr. Smith:

On October 4, 1990, I warned you informally about your tardiness.
(date) (infraction)

When your performance in this area did not improve, I wrote you a first formal warning on October 17, 1990 (copy attached), and a second
(date)

formal warning on November 2, 1990 (copy attached). In these
(date)

warnings I stated that you would be suspended without pay for two
(disciplinary action)

days if your performance had not improved by November 15, 1990.
(date)

On November 8, 1990 and November 10, 1990, you were again late
(dates) (infraction)

for work. This letter is a formal notice that your suspension
(disciplinary action)

will take effect the next working day after you receive this
(time)

letter.

You may request a hearing before _____
(Appointing Authority)

within 48 hours of receipt of this letter. I have attached a copy of sections 41, 41A, 42, 43, 44 and 45 of Chapter 31 of the General Laws.

You may file a grievance under the Commonwealth/_____
_____ collective bargaining
(name of union)

agreement within _____ days of your receipt of this letter.
(see Art. 23, sec. 2)

Signed: _____
(Appointing Authority)

**Attachment 4: Sample Discharge Letter for Non-Permanent,
Bargaining Unit Employee (Non-Probationary)**

(date)

Dear Ms. Smith:

This will advise you that I am hereby discharging you from your employment within the Department effective at the close of business on Friday, March 30, 1990. This action is being taken for just cause for
(date)

the following specific reason:

(Statement of specific reasons)

Your rights in this matter are in Article 23 of the Commonwealth/
_____ collective bargaining agreement.

(name of union)

Signed: _____

(Appointing Authority)

**Attachment 5: Suggested Notice for Permanent Employees Only:
Hearing for Discharge, Suspension for Six or More Days,
Lowering in Rank or Compensation Without Consent in Writing**

(date) December 1, 1990

Dear Mr. Smith:

Your supervisor, Elsie Coble, has requested that I take
(name)

disciplinary action against you on _____ because
(date)

of your alleged tardiness. By law (Chapter 31, section 43), you are
(alleged infraction)

entitled to a full hearing by the appointing authority. Such hearing
will be held on December 10, 1990, in my office, the McCormack Building,
(date) (place)

Room 312. Two days after the hearing is completed, I shall give you a
written notice of my decision, stating fully and specifically the
reasons for it. Within ten days of receiving my decision, you may, if
you desire, appeal in writing to the Civil Service Commission and
request a hearing before a member of the Civil Service Commission.

I have attached a copy of section 41, 41A, 42, 43, 44 and 45 of
Chapter 31 of the General Laws.

Sincerely,

(Appointing Authority)

*If a hearing officer rather than the appointing authority conducts the
hearing, the following sentence should be substituted for the third
sentence above:*

"Within seven days after receipt of the report of the hearing officer, I
shall give you written notice of my decision stating fully and
specifically the reasons for it."

Attachment 6: Sample Discharge Letter for Statutory Tenured Employee

(date)

Dear Ms. Smith:

By letter dated _____ I advised you that I
(date)

contemplated discharging you from employment for reasons stated in that letter. On _____ a hearing was held before me (or my
(date)

designee).

Based upon the testimony and evidence presented at that hearing I find that you _____
(describe misconduct or non-performance)

For these reasons I hereby discharge you from your employment with the _____ effective _____
(agency) (date)

Under the provisions of sections 41 through 45 of the General Laws you may submit an appeal in writing within ten days to the Civil Service Commission.

You may file a grievance under the collective bargaining agreement within _____ days accompanied by a signed waiver of your right to appeal
(see contract)

to any other forum.

(Signed) _____
(Appointing Authority)

Classification and Compensation

Classification

Most of the positions in the executive branch of government are classified under the Commonwealth's Classification Plan. These positions include both managerial and non-managerial jobs and range from Assistant Secretaries and Commissioners to entry-level clerical and maintenance jobs. Certain positions in the executive branch, including Cabinet Secretaries and professional positions in the higher education system, are not part of the plan. Positions which are not part of the classification plan are exempted by specific legislation. All of the plan's titles are allocated to a job group which corresponds to a range of pay.

The Commonwealth's Classification Plan is developed and maintained by the Department of Personnel Administration's Classification and Compensation Group. This group is responsible for establishing the policies and procedures that agencies follow in keeping their portion of the classification plan current. They are also responsible for writing general job descriptions, known as class specifications, which describe the duties, responsibilities and qualification requirements of the class or title as a whole.

Any state employee who is not employed through a personal service contract occupies an individual position. A unique number (within an account) identifies each position. Positions may be funded through a variety of sources including state appropriations, federal funds, trust funds, bond funds and retained revenue. Most positions are funded through funds appropriated by the legislature. State appropriated positions can only be established with the approval of the Budget Bureau, DPA and the House and Senate Committees on Ways and Means.

The Commonwealth utilizes a whole position method to classify its non-managerial jobs. A review of an individual position description and agency organization chart is made by trained and experienced personnel who compare the

description to class specifications for existing titles in the plan and attempt to make the best match. For managerial jobs, the Commonwealth uses the Hay Guide Chart-Profile Method to evaluate and classify jobs. The method was reviewed, revised and enhanced in a study conducted in the late eighties. Both the early and current technologies were validated during that study. The current technology was implemented in 1990 with the publication of an enhanced Hay manual and the training of state agency personnel. The enhanced system was revised to address pay equity and other issues.

Agencies are responsible for the development of individual position descriptions, known as Form 30's for non-management positions or Management Position Description Questionnaires, and organization charts. Agencies are responsible for periodically reviewing the titles assigned to the positions in the agency in order to determine if those positions are still appropriately classified; if they are not, the agency is responsible for correcting that situation.

DPA monitors agency performance in these areas through the conduct of job analysis studies, desk audits, programmatic and procedural audits, as well as through transaction audits, facilitated by the Commonwealth's human resource and compensation management information systems, and the review of individual employee appeals of classification.

New titles which are descriptive of new functions that are developed are added to the classification plan as the need arises. New titles are established by the Personnel Administrator with the approval of the Committees on Ways and Means. New positions are established by the Ways and Means Committees and are subject to classification review by DPA. The title of a state-funded position may be changed to one of equal or lower job group by an agency head. Changes to a title of higher job group is subject

to the approval of DPA and the Ways and Means Committees.

An employee or manager has the right to appeal her/his classification if she/he believes that the official title and accompanying description are not reflective of her/his assigned duties and responsibilities. The agency head recommends an outcome for such appeals after the incumbent is afforded a hearing. DPA's Classification and Compensation Group decides such issues. Classification appeals decisions, which result in a reallocation to a title of higher grade, are subject to the approval of the House and Senate Committees on Ways and Means, as are any other such reallocations. The Civil Service Commission (CSC) has appellate jurisdiction in such cases and incumbents dissatisfied with DPA's decisions may further appeal the issue to the CSC. The Committees on Ways and Means must also approve reallocations resulting from the decisions of the CSC.

Additional Classification Information

- General Laws Chapter 30, sections 45, 46, and 49
- Department of Personnel Instructions MS-019 and MS-020

Compensation

Management titles are allocated to job groups established by statute. Those titles are paid in accordance with the Management Salary Schedule.

Non-management titles are allocated to a collective bargaining unit which is decided by the Labor Relations Commission. Each bargaining unit negotiates with the Office of Employee Relations a salary schedule composed of many job groups. Each title assigned to that bargaining unit is also assigned to one of the job groups. The salary schedule and job group assignment is subject to approval by the Committees on Ways and Means. Each job group has a corresponding pay range from which incumbents of positions with those titles are paid. Some positions assigned to a particular title may be designated as confidential based on the nature of the work

performed. Confidential employees may not be a member of a union (collective bargaining unit) but will receive the salary associated with the job group to which their title is assigned. The bargaining units (excluding those in the higher education system) are as follows:

- **Unit 1 (Administrative and Clerical) - National Association of Government Employees**
- **Units 2 (Service, Maintenance and Institutional), 8 (Social and Rehabilitation) and 10 (Education) - Alliance (AFSCME\SEIU)**
- **Unit 3 (Building Trades and Crafts) - National Association of Government Employees**
- **Unit 4 (Institutional Security) - Massachusetts Correction Officers Federated Union**
- **Unit 5 (Law Enforcement) - Coalition of Public Safety**
- **Unit 6 (Administrative and Professional) - National Association of Government Employees**
- **Unit 7 (Health Care) - Massachusetts Nurses Association**
- **Unit 9 (Engineering and Science) - Massachusetts Organization of State Engineers and Scientists**

Recruitment: Hiring at Salary Rates Above the Minimum

Under certain conditions, persons appointed to management positions may be recruited at a salary rate higher than the entry level rate for their respective job classifications.

Management Compensation

Appointees to management positions in job groups M-I through M-VIII may be recruited as follows:

- When the entry level rate is not competitive, the appointing authority may

certify that an emergency exists due to the inability to fill the position at the minimum step and may request to recruit above the minimum step of the job group.

The appointing authority may request to recruit a manager based on the appointee's number of years of previous work experience which is comparable in kind and level to the work to be performed.

In either of the above cases, the proposed appointee **must not** have been in the service of the Commonwealth or held a personal service contract with the Commonwealth within the previous 12-month period. The recruitment, if approved, is applicable only to the current appointee.

For levels M-IX through M-XII, appointees may be recruited by appointing authorities at any rate within the job group.

All management recruitments by law require a recommendation by the appropriate Executive Office Secretary and the Personnel Administrator as well as the prior approval of the Secretary for Administration and Finance. Agencies that have been delegated the authority by the Secretary for Administration and Finance to process their own management recruitments are subject to postaudit by DPA of their conformance to procedures and regulations.

Salary Collisions

Once appointed, managers may be eligible to receive adjustments to their salaries if they are determined to be in collision with the salaries of non-management subordinates. If a manager receives a salary adjustment, and such action causes a collision with her/his own supervisor, the manager's supervisor may also be eligible for a salary adjustment.

Salary adjustment requests require the same approvals as management recruitments, unless an agency is delegated such authority to process their own salary adjustments. Consult Personnel Instruction MS-014 for the exact conditions that warrant salary adjustments.

Note that salary adjustments are awarded at the sole discretion of the appointing authority.

Additional Information on Management Compensation

- General Laws Chapter 30, section 46C
- Department of Personnel Administration Instruction MS-001
- Department of Personnel Administration Instruction MS-014
- DPA Decentralization Procedures Manual

Non-Management Compensation

Appointees to non-management positions may be recruited above the minimum salary rate of the job group of the position as follows:

Emergency recruitment. The appointing authority requests to recruit, certifying that an emergency exists due to the inability to hire at the minimum or entrance rate. Written justification is required and the recruitment rate, if approved, applies to all positions in the class/title to be recruited. For example: if a recruitment rate of step 4, job group 14, is established for the class title of Staff Nurse, all new incumbents in Staff Nurse positions in state agencies will be hired at step 4, and all current incumbents in this position who are at steps 1, 2, or 3 will be advanced to step 4.

These emergency recruitment rates are in effect for one year unless rescinded earlier by the Personnel Administrator. Emergency recruitment rates require a recommendation by the appropriate Executive Office Secretary and the Personnel Administrator as well as the prior approval of the Secretary for Administration and Finance.

Professional recruitment. The appointing authority may request to recruit someone into a position in a class/title which has previously been designated as professional. A class/title is designated as professional if it requires work that is predominantly intellectual, the consistent exercise of judgment and discretion, and specialized or theoretical knowledge. The step within grade to which the individual is

appointed is based on the number of years of the appointee's previous professional work experience, which is comparable to the kind and level of the duties of the position to be filled. The appropriate Executive Office Secretary and the Personnel Administrator must recommend that a position be designated as professional.

The designation is subject to the approval of the Personnel Administrator and the Secretary for Administration and Finance. Once the designation has been approved, the recruitment of an individual into a professional position requires the approval of the appropriate Executive Office Secretary or if delegated, the approval only of the appointing authority. A list of professionally recruitable classes may be obtained from DPA.

An appointee may not be recruited at a salary rate above the minimum if the appointee has been in the service of the Commonwealth or held a personal service contract with the Commonwealth within the previous 12-month period. Some exceptions to this rule are described in certain collective bargaining contracts; for example, those which allow crediting of experience as a consultant under special conditions. Contact the Office of Employee Relations for information about these exceptions.

Additional Information

For additional information regarding recruitment of nonmanagement personnel, consult the following sources:

- General Laws Chapter 30, section 46, paragraphs (5) and (5A).
- DPA List of Professionally Recruitable Titles.
- DPA Decentralization Procedures Manual.

Special Compensation Plans

Other types of non-management compensation plans, other than those contained in the standard salary schedules for each collective bargaining unit, are:

Professional Data Processing positions. The Technical Pay Law allows positions in certain professional data processing titles, such as EDP Programmers and EDP Systems Analysts, to be exempted from the state's classification plan and civil service law, and for incumbents to be paid within ranges that exceed those in the Unit 6 salary schedule. Pay ranges are recommended periodically by the Personnel Administrator for approval by the Secretary for Administration and Finance. Agencies submit requests to convert such positions for approval by the Personnel Administrator (or if delegated, agencies process the conversions themselves), and also submit to the Office of Management Information Systems the resumes of the individuals they wish to appoint. Procedures covering Professional Data Processing Positions are described in Personnel Instruction MS-O10 and Administration and Finance memorandum to appointing authorities dated 1/15/88 regarding The Technical Pay Law (TPL). The most recent salary ranges may be obtained from DPA.

Physician/Psychiatrist Specialist. The Unit 7 contract allows for the establishment of and hiring/ promotion/recruitment to Physician Specialist and Psychiatrist Specialist positions in agencies that use such functions. These individuals also are paid within salary ranges that exceed those in the Unit 7 salary schedules, in order to retain incumbents who possess special qualifications over and above those described in the class specifications for the Psychiatrist and Physician series. Further information may be obtained from the Office of Employee Relations.

Public Health Officers. The Commissioner of Public Health, with the approval of the Secretary of Human Services, is authorized to designate up to 10 physicians and/or dentists as Public Health Officers. The positions must be classified in job groups VII through XII of the management classification plan in order to be considered for this designation. Their salaries are determined by the Secretary for Administration and Finance upon recommendation by the Personnel Administrator, and are limited to exceeding the incumbent's actual step-in-range by no

more than 25%. DPA conducts an annual salary survey of comparable positions in order to develop these recommendations.

Other Plans. Agencies such as the Department of Revenue and Department of Education have special compensation plans established by law for certain titles unique to their organizations in order to keep pay competitive with other governmental jurisdictions. Pay ranges for these titles are recommended by the Personnel Administrator for approval by the Secretary for Administration and Finance.

Hours of Employment

Full-time Employment

The regular workweek of most employees is restricted to five "tours of duty" (workshifts) totalling either 37 1/2 or 40 hours, as established by title and work location. Each tour of duty is restricted to eight hours within a period of ten consecutive hours.

Overtime is paid at the rate of one and one-half times the employee's regular rate of pay for work exceeding 40 hours in one week or eight hours in one tour of duty. Employees whose regular workweek is 37 1/2 hours receive additional compensation at their regular rate of pay for time worked up to 40 hours in one workweek or up to eight hours in one tour of duty. Unless specifically provided for in a collective bargaining agreement, compensatory time off in lieu of overtime is prohibited. Curtailment of one tour of duty to offset excess hours in another is also prohibited, unless done within the provisions of an approved flexible hours program. Employees called back to work after completion of their regular shift and prior to their next scheduled shift receive call-back pay as provided in applicable collective bargaining agreements; if exempt from collective bargaining, they receive a minimum of two hours pay. All overtime service must have the prior written approval of the appointing authority and the appropriate Executive Office Secretary (Form AF-6).

An appointing authority may change employees' tours of duty to meet operational needs. In the case of bargaining unit employees proper notification in accordance with the appropriate collective bargaining agreements is required. Staggered work hours, described below, are considered changes in tours of duty.

Some state employees and managers are exempt from the above regulations regarding hours and overtime pay, including:

- Certain managers, such as superintendents, assistant superintendents,

and deputy superintendents in mental health, public health and correctional institutions, are exempt from the eight hour tour of duty and the 40 hour workweek under the provisions of General Laws Chapter 149, section 30A.

- Under the provisions of certain collective bargaining agreements, employees in some cases are exempt from overtime.
- Employees participating in an approved flexible hours program are exempt from the restriction of eight hours within a ten hour period.
- Managers in grades M-IX through M-XII are not eligible to receive overtime compensation under any circumstance. Managers in grades M-V through M-VII, not otherwise exempt from overtime compensation by General Laws Chapter 149, section 30B are not eligible to receive overtime unless they are incumbents of positions listed by title and position number on a list maintained by the Personnel Administrator with the approval of the Secretary for Administration and Finance. The inclusion of a position on the list requires the submission of a detailed justification by the appointing authority.

Since 1986 state and local employees have been subject to the provisions of the federal Fair Labor Standards Act (FLSA) concerning maximum hours and overtime.

Additional Information on Full-time Employment

Employees in positions covered by collective bargaining agreements should refer to the applicable agreement for further information regarding hours and overtime. Managers and others exempt from collective bargaining may find additional information in the following:

- General Laws Chapter 30, sections 24C and 46G

- General Laws Chapter 149, sections 30A and 30B
- Administrative Bulletin 88-10
- Department of Personnel Administration Instruction MS-001
- "Red Book" Rules and Regulations
- Fair Labor Standards Act, U.S. Department of Labor

Part-time Employment

A *regular* part-time employee works 50 percent or more of the hours in the workweek of a regular full-time employee in the same title and location and receives the same benefits as a full-time employee on a pro-rata basis. An *intermittent* employee works less than 50 percent of the hours in a work year authorized for full-time employees and does not receive benefits.

Part-time employees are paid on a pro-rata basis, receiving that proportion of the pay of full-time employees that their service bears to full-time service. For example, a part-time employee working three-fifths of the regular workweek is paid three-fifths of the normal, full-time salary for his or her title. A regular part-time employee entitled to a step-rate increase advances to the next step after 52 weeks of creditable part-time service and receives the proportion of that rate that his or her service bears to full-time service.

Benefits are granted to regular part-time employees on the following basis:

- sick leave, personal leave, and vacation leave on a pro-rata basis;
- bereavement leave, voting leave, civil duty leave, military leave, educational leave, and maternity leave on the same terms and conditions as full-time employees;
- pro-rated pay for holidays based on the ratio of regularly scheduled hours to a full-time schedule;

- life and health insurance at the same cost available to full-time employees is granted; and
- for retirement benefits in the same manner as full-time employees. For the purpose of determining eligibility for retirement and retirement benefits, part-time service is converted to its equivalent in full-time service.

Regular part-time employees are eligible to participate in employee training programs established by the Commonwealth.

Refer to the section of this Handbook dealing with Civil Service for information regarding the civil service status, rights and benefits of a regular part-time employee appointed from a civil service eligible list pursuant to the provisions of Chapter 31 of the General Laws.

The conversion of a full-time employee to part-time status or vice versa is subject to the approval of the employee's appointing authority. The appointing authority may also authorize the filling of a full-time position by one or more part-time employees.

The combined hours of all part-time (and/or intermittent) employees splitting the same position must not exceed the total number of hours authorized for the full-time position. All such appointments must be made pursuant to applicable provisions of civil service law, collective bargaining agreements and current fiscal controls.

Additional Information on Part-time Employment

For additional information regarding part-time employment in the Commonwealth, those employees in positions covered by collective bargaining should refer to the appropriate collective bargaining agreement. Managers and others exempt from collective bargaining should refer to the "Red Book". Other sources of information are:

- DPA "Regulations Governing Part-Time Employees"

- . General Laws Chapters 30 and 31
- . General Laws Chapter 7, section 6F

Flextime Employment

A flextime or flexible hours program refers to the replacement of fixed arrival and departure times by a schedule of working hours chosen by employees within parameters developed for their work units. Flextime programs often include the option of working a longer tour of duty on one day to offset a shorter tour of duty on another day in the same week, without receiving overtime for the extended day or being penalized for the shortened day.

There are several terms common to flextime programs:

- . **Bandwidth** is the span of time between the earliest arrival time and the latest departure time authorized for the work unit.
- . **Core time** consists of those hours during which all employees must be present in the office or on a field assignment. Absence during core time may not be offset by additional hours worked; they must be charged to vacation, sick, personal, or other appropriate leave or leave without pay.
- . **Flexband** is a span of time within the bandwidth but exclusive of core time (i.e., time which may be used in a flexible manner).
- . **Office hours** refers to the requirement that departments which deal with the public must be open at least from 8:45 am until 5:00 pm. Flextime plans therefore specify the minimum percentage of employees needed from 8:45 am to core time, during lunch, and from core time to 5:00 pm.

The parameters of a flextime plan are determined by considering the degree of interaction among employees in the work unit, different work units, and employees and the public or other agencies. These parameters include:

- . the bandwidth of the work day;
- . core hours;
- . whether carry over of extra hours will be allowed, and
- . whether to have a lunchtime flexband.

Other considerations include the method of time keeping to be used, and what positions, if any, should be excluded from participation in flextime due to the nature of the work performed or the need to have employees present during standard office hours.

Although the needs of the work unit are of primary importance in addressing these issues, the advantages to employees of participating in a flextime program must also be considered. Too short a flexband before or after core time negates the advantages.

Employees choosing to participate in a flextime plan are exempted from the provisions of General Laws Chapter 149, sections 30A and 30B requiring overtime payment for work in excess of an eight hour tour of duty within ten consecutive hours. These employees are, however, entitled to overtime payment for overtime work authorized by their departments. While they may elect to shorten their hours during another day in the workweek to offset such overtime, they cannot be required to do so in order to avoid payment of overtime.

Flextime plan employees must take at least 30 minutes for lunch. A flextime plan may retain the 45 minute lunch period provided to employees working standard office hours, or may include a flexband at lunchtime ranging from the minimum of 30 minutes to the full time period between morning and afternoon core hours.

Except for the last day of the workweek, flextime employees who are absent for a full day are charged with accrued leave or leave of absence without pay on the basis of a full seven and one-half (or eight) hour day. On the last workday of a workweek, charges are the difference between total hours worked and $37\frac{1}{2}$ (or 40) hours or core time, whichever is

greater. Extra hours worked earlier in the week may not be used to offset absences during core hours on the last workday of the workweek. Employees in a flextime plan shall not be paid for a holiday if they are on leave without pay for any part of core time on the work day immediately preceding or following the holiday.

Participation in a flextime plan is voluntary. Employees who fail to adhere to program requirements may be excluded from participation and be required to work standard office hours. The flextime plan for a department (or one of its subdivisions) must be developed in consultation with the affected employees. The plan must be reviewed by officials of all unions having employees in work units covered by the plan. The approved flextime plan, including a statement of limitations regulating the employees' work schedules such as core hours, the right of supervisors to require employee attendance at meetings, and other rules governing the number of hours worked each day, must be posted in conspicuous locations throughout the agency or work unit covered by the plan. Any flextime plan must include a provision of not less than five working days notice of the program's discontinuance by the appointing authority or the exclusion of certain job titles from participation.

The following procedure should be followed by an appointing authority who wishes to authorize the establishment of a flextime program:

- . A person designated by the appointing authority prepares a flextime pilot plan for the agency.
- . She/he then calls a meeting of all appropriate unions, (local and statewide officials), some managers, and some employees designated by the unions. They are invited to make suggestions and modifications. An agreed upon pilot plan is then put into effect for a period of approximately three months involving only one or two work areas within the agency.
- . A copy of the pilot plan is forwarded to the Coordinator at DPA for recordkeeping

purposes only. During the three months, changes and modifications of the pilot plan can be made without notifying DPA.

- . At the end of the pilot period, a standard Request for Approval form is filled out with the agency's final flextime plan. This plan should cover as many employees within the agency as is feasible. The form is sent to the Coordinator at DPA for careful scrutiny and approval by the Personnel Administrator. The plan is also sent to the Office of Employee Relations for review and approval. DPA then sends the plan back to the agency, ready for implementation.
- . Any changes made by the agency after that time require DPA approval once again.

If the proposed flextime program will include employees covered by a collective bargaining agreement, the Office of Employee Relations should be contacted at the initial planning stage to ensure that the process and final program comply with contractual requirements.

Staggered work hours is a form of alternate work schedules, but is not actual flextime. This plan refers to a program under which employees may choose from a fixed schedule of arrival and departure times to which they must adhere on a daily basis. Staggered hours plans do not usually allow employees to carry over additional hours worked one day to the next, and do not require approval as flextime plans.

Additional Flextime Information

Employees in positions covered by collective bargaining should refer to the appropriate collective bargaining agreement. For additional information regarding flextime, managers should refer to the references below:

- . General Laws Chapter 7, section 6F
- . DPA "Regulations Governing Flexible Hours Programs for State Employees"
- . DPA "Flextime Program Information Packet"

Personal Service Contracts

Purchase of Consultant Services

Before entering into any agreement to purchase professional services through a consulting service (SC) contract, an appointing authority should be sure that the procedures required by law and regulation have been followed. Failure to do so may result in the contractor's not being paid.

Administrative Bulletins 88-1, 88-2, 90-3 set forth the rules pertaining to contracts for consultant services for all state agencies. These rules were issued pursuant to General Laws, Chapter 29, section 29A. It also sets forth the process for selection of contractors. That process must be as competitive as practicable under the circumstances.

The law and rules require, among other things, that the following actions cannot be taken retroactively and must be completed prior to the contracts being effective:

- A service request approval summary must be properly completed and signed by the appointing authority and cabinet secretary or his/her designee.
- The approved 675-A form must be submitted to the Office of the Comptroller and date-stamped. No services provided under the contract prior to the date-stamp can be legally remunerated.
- Prior to any payments being made, the 670-A and 675-A forms, together with a properly executed written contract with the service contract payment rate authorized by the Personnel Administrator, must be approved by the appointing authority and Executive Office Secretary and submitted to the Comptroller.
- Contracts for legal services must be approved by the Attorney General.

No consultant services contract can exceed one year in duration unless a prior written waiver is approved by the Secretary for Administration and Finance.

Contracts for professional services with a maximum obligation of \$25,000 or more must be competitively awarded either by the solicitation of written proposals from at least three qualified vendors or by selection from a list of pre-qualified vendors developed by a procedure approved in advance, in writing, by the Secretary for Administration and Finance. The Secretary can waive these selection procedures if there is only one vendor qualified to perform the work in view of either the uniquely specialized nature of the service or the monopolistic nature of the market, or if the service is necessary to respond to an emergency involving an immediate threat to the health or safety of persons or to the protection of property.

Certain contracts and activities are prohibited under Administrative Bulletins 88-1, 88-2, and 90-3.

- An agency cannot contract with an individual for temporary clerical services except to record and transcribe hearings. Agencies are allowed, however, to contract with an organization for emergency clerical assistance.
- Contractors cannot supervise employees of the Commonwealth, directly or indirectly.

Individual contractors are generally prohibited from:

- participating in the group insurance plans for state employees;
- being compensated for vacation, sick time, holidays and any time the contractor fails to provide the services;
- being included in the retirement for state employees.

Since virtually all state managers will have occasion to prepare or review contracts for personal service, managers should read Administrative Bulletins 88-1, 88-2, and 90-3.

Purchase of Social and Rehabilitative Services

801 CMR 25.00 and Administrative Bulletin 78-12 set forth the rules and regulations governing the purchase of services covered by the MM subsidiary code (social and rehabilitative service contracts with private organizations). These regulations do not apply to consultant services, individuals, or other contracts covered by the CC, HH, JJ, or NN subsidiary codes.

The regulations address the areas of procurement procedures and contract administration and authorization. Some of the key provisions are as follows:

Initiation of Procurement

- Contracting agency must certify for the appropriate Executive Office Secretary that funds are available.

Competitive Procurement

- Competitive procurement procedures must be employed.
- Requests for proposals must be prepared and distributed widely.
- Written provider proposals must be reviewed and evaluated.
- All proposals may be rejected.

Competitive Proposal Negotiation

- Competitive negotiation is authorized among qualified proposals when insufficient funds are available or the contract agency believes negotiation to be in the best interest of the Commonwealth.

Non-Competitive Procedure

- Sole source acquisition is authorized when services are specialized and the provider possesses unique capabilities, restrictions have been attached to available funds, or when a market monopoly exists.

- Sole source awards are authorized through a written justification statement filed with the Secretariat and Comptroller.

Contract Negotiations

- Failure to negotiate a satisfactory contract with the selected provider permits the agency to choose the next qualified provider or reinstitute the procurement process.

675-A Form

- An authorization form (675-A) containing the specifics of the proposed contract must be filed with the Comptroller and approved by the Executive Office Secretary.

Prior Approval

- New services may not be rendered prior to the Executive Office Secretary's approval of the Form 675-A.

Contract Modification

- Subsequent contract modifications involving change of provider, change of service, increase in maximum obligation, or extension of expiration date must be approved by the Executive Office Secretary.

671-A Form

- Subsequent modifications of Form 675-A are done by filing a Form 671A with the Comptroller, subject to Executive Office Secretary's approval.
- Effective date for modification is the filing date of the original Form 675-A, except in cases of new contracts, increase in excess of 125% of the existing contract, or a change in the rate.

Contract Renewals

- Contracts may be renewed for two or more subsequent fiscal years.

Contract Increases

- . If the amount of a contract is increased to more than either 125% of the original amount or \$25,000, then the contract is subject to competitive bidding requirements.

Waivers

- . Any provision may be waived by the Executive Office for Administration and Finance.

Contract Officer

- . The purchasing agency must appoint a contract officer to ensure compliance with the terms of the contract.

Additional Information

Any questions regarding these regulations should be referred to your agency or Secretariat contract officer.

If, however, you have questions or need assistance concerning any contracting areas, you may contact the General Counsel, Executive Office for Administration and Finance, State House, Room 373, Boston, MA 02133; telephone (617) 727-2040.

Sexual Harassment

Managers have the duty to prevent and eliminate sexual harassment in the work place. Conduct constituting prohibited sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical behavior when:

- submission to such conduct is explicitly or implicitly made a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment.

Patterns of Sexual Harassment

Sexual harassment appears in a variety of forms and is not limited to conduct by a male toward a female or by a supervisor toward a subordinate. Men as well as women may be victims, and the victim need not be the opposite sex from the harasser. A victim may even be someone other than the person at whom the unwelcome act is directed. Sexual harassment may exist without the effect of concrete economic injury when such conduct interferes with the victim's work or creates a harmful or offensive work environment.

Managerial Responsibility

The Commonwealth is legally responsible for acts of sexual harassment by its agents, supervisors, and employees unless it can be shown that immediate and appropriate corrective action was taken when such actions became known. Additionally, the Commonwealth may be responsible for acts of sexual harassment by non-employees within its control. Agency heads, managers and supervisory staff are responsible for:

- providing each employee with a copy of the Commonwealth's policy on sexual harassment;
- informing employees that sexual harassment is prohibited conduct which is not to be tolerated or condoned and will result in disciplinary action;
- developing and implementing procedures for receiving, investigating, and resolving informal complaints or reports of alleged sexual harassment within their respective offices, and informing their employees of these procedures;
- advising employees of the sanctions imposed for engaging in sexual harassment, and of their right to complain about harassment to the agency head or her/his designee;
- informing employees that it is advisable to report, in a timely fashion, conduct which they believe to be sexual harassment;
- specifically informing employees of the requirement, time limits, and procedures for filing formal complaints of sexual harassment or for filing grievances under the collective bargaining agreement; and
- informing the agency head or the agency sexual harassment officer immediately upon finding evidence of sexual harassment. The agency head or sexual harassment officer will be responsible for taking immediate and appropriate corrective action, including disciplinary actions, with respect to employees engaging in such prohibited behavior.

Employee Harassment

Each employee of the Commonwealth is personally responsible for:

- ensuring that her/his conduct does not sexually harass any other employee,

applicant for employment, or other individual in the workplace;

- . cooperating in the investigation of informal reporting or formal complaints of alleged sexual harassment by providing any information she/he possesses concerning the matters being investigated; and
- . otherwise cooperating with the Commonwealth's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful conduct.

Sanctions

Any employee found to have engaged in sexual harassment in violation of this policy is subject to disciplinary action up to and including termination of employment.

Additional Information

For additional information regarding sexual harassment, consult the following:

- . Title VII of the Federal Civil Rights Act of 1964
- . Governor's Executive Order 200 as amended by Executive Order 240
- . Administrative Bulletin 89-5 - Revised Guidelines for the Prevention and Elimination of Sexual Harassment in the Workplace.

Travel

Expenses incurred by state employees while traveling for business purposes are reimbursable. Transportation costs for travel from home to a temporary assignment are, with limited exceptions, based on the distance between the temporary assignment and the closer of the employee's home or office. Transportation between the employee's home and office is not reimbursable. Employees using state vehicles for transportation between domicile and place of employment must have the approval of the Secretary for Administration and Finance (see DPGS Memorandum 90-5). Permission to travel outside the Commonwealth must be obtained from the appropriate Executive Office Secretary (Form AF-5).

The following items are reimbursable:

- transportation costs, using the most economical means available under given circumstances. When a privately owned automobile is used, mileage is reimbursed. The mileage rate, as established by applicable collective bargaining agreements and the Secretary, Executive Office for Administration and Finance, is intended to cover the cost of garages, parking, tolls and other charges.
- reasonable charges, as determined by the Office of the Comptroller, for hotel rooms and for tips other than meals.
- telephone and telegraph charges over \$0.20.
- expenses incurred in operating state-owned cars, including gas, oil, parking and minor maintenance. Parking tickets and traffic citations are not reimbursable (see DPGS Memorandum 90-6).
- actual meal expenses, including tips, for employees on full travel status, subject to limits set by collective bargaining agreements on meal amounts for breakfast, lunch, and supper. Managers are subject to the reimbursement

provisions of the "Red Book" Rules and Regulations. Certain individuals are exempt from both these provisions and are reimbursed for "reasonable" meal expenses.

- supplemental expenses for approved foreign travel including passports, visas, photographs, birth and marriage certificates, and inoculations.

Additional Information

Employees who are in positions covered by collective bargaining should refer to the applicable collective bargaining agreement for further information regarding travel expenses. Managers and others exempt from collective bargaining may obtain further information from the following sources:

- General Laws Chapter 7, section 28
- General Laws Chapter 30, sections 25 and 25B
- Administrative Bulletin 89-6
- "Red Book" Rules and Regulations

EMPLOYEE BENEFITS

Insurance

The Commonwealth provides a program of group life, health and long term disability insurance coverage for state employees. An employee may elect to carry only life insurance, but must carry Basic Life Insurance in order to be eligible for Optional Life Insurance or health insurance.

Employees are eligible to participate in any or all of the available insurance coverages on the first day of the month following 60 days or two calendar months of employment, whichever is less. Deductions generally begin the month before the effective date of coverage. Employees who do not enroll when first hired must wait until the next annual enrollment period to enroll in Basic Life Insurance and health insurance. Employees who do not enroll in Optional Life Insurance when first hired must wait one year and provide medical evidence of insurability to enroll in Optional Life. Employees who do not enroll in long term disability insurance when first hired must provide medical evidence of insurability before enrolling in the long term disability insurance plan.

Transfers of health insurance coverage from one plan to another may be made effective July 1 of each year. Forms for such transfers must be filed during the annual enrollment period, usually during part of April and May.

Life Insurance

Basic Life Insurance provides \$5,000 life insurance coverage. The Commonwealth contributes 90% of the premium for this basic coverage. Optional Life Insurance, for which the employee pays the full cost, is available in thousand dollar increments. The maximum allowable amount of such Optional Life Insurance is eight times the employee's annual salary.

Health Insurance

Both family and individual coverage is available to state employees, with the state currently contributing 90% of the premium.

There are two major options in health insurance plans to choose from:

- **The State Hancock Plan** is a form of indemnity insurance which provides comprehensive coverage for inpatient and outpatient services and prescription drugs. Employees pay the full cost of Catastrophic Illness Coverage and Medically Necessary Abortion Coverage options. Employees enrolled in the State Hancock Plan are eligible to participate in a mail order prescription drug program. Under this program, employees may purchase maintenance prescription drugs for a small copayment.
- **Health Maintenance Organizations**, which emphasize preventive health care, are an alternative to traditional insurance coverage. HMOs provide or arrange for doctor's care and hospitalization for their members. HMOs help control cost, for example, by delivering care in less expensive settings, where medically appropriate. The Commonwealth currently offers 15 HMOs to its employees. There are three types of health maintenance organizations:
 1. **Staff Model HMOs** maintain their own facilities and maintain salaried medical staff to treat their members. To be covered, a member must receive services at a plan facility or by referral of a plan physician.
 2. **Medical Groups** are HMOs which contract with a medical group, partnership, or corporation comprised of health professionals for the delivery of health care to its members. The choice of doctors in a medical group plan is generally greater than that in a staff model.
 3. **Independent Practice Associations** are individual practice plans. The HMO is an administrative office operation which contracts with physicians to treat members under its plan. The choice of

doctors in an independent practice association is generally greater than in a staff or medical group model plan.

Long Term Disability Insurance

The long term disability insurance plan pays 50% of an employee's base salary, tax free, after 90 days of disability.

Additional Insurance Information

Literature describing each plan and the geographic areas covered may be obtained from your agency's Group Insurance Coordinator. The Group Insurance Commission, which administers employee insurance programs, is located in the Charles F. Hurley Building, 19 Staniford Street, 4th Floor, Boston, MA 02114; telephone (617) 727-2310.

Holidays

The following are observed by the Commonwealth of Massachusetts:

- . **New Year's Day** (January 1)
- . **Martin Luther King Day** (third Monday in January)
- . **Washington's Birthday** (third Monday in February)
- . **Patriots' Day** (third Monday in April)
- . **Memorial Day** (last Monday in May)
- . **Independence Day** (July 4)
- . **Labor Day** (first Monday in September)
- . **Columbus Day** (second Monday in October)
- . **Veterans' Day** (November 11)
- . **Thanksgiving Day** (fourth Thursday in November)
- . **Christmas** (December 25)

In addition, the following holidays are observed in Suffolk County:

- . **Evacuation Day** (March 17)
- . **Bunker Hill Day** (June 17)

Holidays falling on a Sunday are observed the following day. All state offices must remain open the Friday before a holiday falling on Saturday. When possible, employees whose regular day off is Saturday are given the preceding Friday off with pay and those who work Friday receive another day off with pay or an additional day's pay. Employees required to work on a holiday, or those whose regular day off occurs on a holiday, receive another day off with pay or an additional day's pay.

All state offices outside of Suffolk County must remain open on Suffolk County holidays; employees outside of Suffolk County who work on either of those holidays are given another day off with pay or an additional day's pay.

Employees who are on leave without pay or absent without pay for any portion of their scheduled workday immediately preceding or following a holiday do not receive pay for the holiday. Employees who are granted sick leave for a holiday on which they are scheduled to

work do not receive an additional day off with pay nor an additional day's pay for the holiday.

Additional Information

For additional information regarding paid holidays, consult the following:

- . General Laws Chapter 4, section 7, 18th clause and Chapter 30, section 24A
- . "Red Book" Rules and Regulations
- . Applicable collective bargaining agreements
- . Administration and Finance Information Circular dated February 10, 1984; Suffolk County Holidays falling on a Saturday.

Vacation, Sick and Other Leave Benefits

Vacation Leave

Full-time employees accrue vacation credit on a monthly basis, depending on length of service, according to the following schedule:

Length of continuous full-time "creditable service"	Vacation credit accrued
Less than 4 1/2 years	6.25 hours
At least 4 1/2, but less than 9 1/2 years	9.375 hours
At least 9 1/2, but less than 19 1/2 years	12.5 hours
19 1/2 years or more	15.625 hours

Employees beginning their employment with the Commonwealth after the first day of a calendar month start earning credit on the first day of the following month.

If an individual employee leaves the employ of the Commonwealth and resumes employment within a period of less than three years, she/he will be credited with prior service for vacation status purposes. Under certain conditions, such as illness or dismissal caused by no fault or delinquency of the employee, prior service may be credited after a break of three years or longer.

Employees on leave without pay or absent without pay 15 days or more in a vacation year lose that year for vacation status purposes and have vacation credits deducted proportionally. This regulation varies with some collective bargaining agreements, i.e. some agreements exempt absences from loss of vacation status for certain reasons. Leave with pay or industrial accident leave is considered creditable service for vacation status and vacation credits.

The vacation year for employees of the Commonwealth is July 1 to June 30, inclusive. Employees may carry over only one year's vacation credits, that is, vacation not used in

the vacation year in which it becomes available must be used by the end of the following vacation year.

Upon termination of employment by dismissal, retirement, or entrance into the Armed Forces, through no fault or delinquency of the employee, the employee is paid for the unused portion credited the immediately preceding June 30 plus a prorated portion of what she/he was earning during the year in which his/her termination occurred. In the event of an employee's death, the same formula is used to determine payment to her/his beneficiary. Some collective bargaining agreements substitute "lay off" for "dismissed through no fault or delinquency of the employee" and include payment for all unused vacation leave. Upon termination for any other reason, payment will be made only for the unused portion credited on the immediately preceding June 30. Because by law managers accrue their vacation leave on a monthly basis, managers may be paid for up to two years of accrued vacation leave. "Cash-out" rules may differ for bargaining unit and confidential employees.

Sick Leave

Sick leave is credited at the rate of one and one-quarter days for each full calendar month of employment. Time on leave with pay or industrial accident leave is creditable for sick leave accrual; no credit or accrual is given for any month in which an employee is absent without pay for more than one day.

Sick leave is granted at the discretion of the appointing authority for the following reasons:

- The employee is incapacitated by personal illness or injury.
- For illness in the employee's immediate family, up to 10 days per year (seven days per year in some collective bargaining agreements).

When sick leave credits are exhausted, the appointing authority may allow conversion of unused vacation credits to sick leave credits. In some collective bargaining agreements, this action may be taken only at the request of the employee.

The appointing authority may require the employee to submit satisfactory medical evidence to support an employee's sick leave claim (see Administrative Bulletin 83-6 and Office of Employee Relations Memorandum 84-2, which deal with the problem of sick leave abuse).

Employees may accumulate accrued sick leave credits without limit. If an individual leaves the employ of the Commonwealth and resumes employment within a period of less than three years, any unused sick leave accrued prior to leaving will be credited to her/him upon reemployment. Under certain circumstances, such as illness or dismissal caused by no fault or delinquency of the employee, unused sick leave may be credited after a break of three years or longer. Upon termination of employment, no payment is made for unused sick leave, except in the case of retirement. In the case of retirement, payment is made for 20% of any unused sick leave. This provision is not in all collective bargaining agreements; employees should refer to the appropriate agreement.

Personal Leave

Employees who are on the payroll of the Commonwealth on July 1 are credited with three personal days. Except in some collective bargaining units with no provision for employees hired after July 1, those hired July 2 through September 30 are also entitled to three personal days; those hired October 1 through December 31, two days; and those hired January 1 through March 31, one day. Personal days may not be accrued or carried over; they must be used by June 30 or be forfeited.

Military Leave

Employees of the Commonwealth are entitled to leave with pay for service in the Armed Forces of the Commonwealth (the National

Guard), or during their annual tour of duty not exceeding 17 days in a reserve unit of the Armed Forces of the United States.

Court Leave (Civic Duty Leave)

Employees of the Commonwealth are entitled to leave with pay when called for jury duty or when summoned as witnesses on behalf of any city, town, county, state or the federal government. Any witness fees are paid to the Commonwealth; jury fees, up to the amount of regular compensation, are turned over to the appointing authority. Employees retain court reimbursement for expenses. No paid court leave is allowed for employees engaged in personal litigation.

Bereavement Leave

Employees of the Commonwealth are allowed up to four calendar days with pay in the case of death of one of the following: spouse, parent, brother, sister, grandparent, grandchild, parent of spouse, or a person living in the household.

Maternity/Adoptive Leave

Female employees who have completed the probationary period or, if there is no probationary period, three months of service, may receive up to eight weeks leave without pay for the purpose of giving birth. Any accumulated vacation, personal, or sick leave to which female employees are entitled may be applied to maternity leave in accordance with the rules governing such leave. Maternity leave does not interrupt the accrual of benefits, seniority, or length of service credit.

Parental Leave

Collective bargaining agreements also include unpaid parental or adoptive leave. Subject to the approval of the appointing authority, employees may request up to two weeks leave.

Family Leave

Many collective bargaining agreements contain provisions which allow employees who have completed their probationary period (or, if there is no probationary period, three months of service) to request up to 10 weeks of unpaid

family leave for the purpose of caring for or making arrangements for the care of an employee's spouse, child, parent, grandparent, grandchild, brother or sister living in the same household. Such leave may be granted at the discretion of the appointing authority in accordance with the provisions set forth in the relevant collective bargaining agreements.

Other Leave

Employees of the Commonwealth are also entitled to leave with pay for the following:

- . preventive inoculation against infectious diseases (such as hepatitis) required as a result of their employment;
- . quarantine due to exposure to contagious disease while working;
- . Red Cross blood donations;
- . Civil Service examinations (non-collective bargaining employees);
- . industrial accident hearings;
- . delegates attending veterans' conventions;
- . voting leave of two hours, providing that the hours the polls are open conflict with the employees' regular working hours;
- . veterans participating in services honoring veteran dead;
- . Civil Service Commission hearings;
- . Professional days.

Employees should once again refer to the applicable collective bargaining agreement; some do not include paid leaves of absence for the reasons stated above, and agreements differ as to coverage of paid leave for union business and grievances.

Administrative Leave and Skeleton Work Force

Since the advent of paid personal leave as a benefit, there is virtually no occasion for the granting of administrative leave (time off from

work with pay without charges to an employee's accrued paid leave). The only exception to the foregoing is an authorized skeleton workforce due to extreme weather conditions.

Because weather conditions vary considerably throughout the Commonwealth, the authorization of a skeleton workforce outside the Government Center area in Boston is left to the discretion of each appointing authority; the Secretary for Administration and Finance covers the Government Center area. For additional information and procedures, see Administrative Bulletin 85-3.

Separation for Active Military Service

Any person leaving the employment of the Commonwealth for the express purpose of serving in the Armed Forces of the United States has reemployment rights under both federal and state statutes. These rights apply equally to men and women and to persons who are drafted as well as those who volunteer for military duty. Although most persons first entering military service since the end of the Vietnam Era (June 4, 1976), are not "veterans" within the meaning of state statute, they have the foregoing rights as well as various other rights.

Persons entering the Armed Forces or Reservists called to active duty should contact their personnel office for information and guidance.

Additional Information

For additional information regarding separation for active military service, employees in positions covered by collective bargaining should refer to the appropriate collective bargaining agreement. Managers and others exempt from collective bargaining should refer to the appropriate sections of the "Red Book". Other sources of information are:

- . Chapter 708, Acts of 1941, as amended
- . Chapter 43 of Part III of Title 38, US Code

General Laws Chapter 31, section 33.

Notes

Deferred Compensation

The Massachusetts Employees Deferred Compensation Program allows employees to defer receipt of a certain amount of each year's gross annual income and thereby defer payment of state and federal taxes on this amount. The minimum amount which may be deferred is \$10 per month; the maximum, 25% of the employee's gross annual income, up to \$7,500 per year. For employees age 62 or over who are within three years of retirement, the maximum amount is \$15,000 per year. The employee may increase or decrease the amount deferred at any time and may freeze the account at any time.

Taxes on deferred income, interest, and capital gains need not be paid until actual distribution to the employee, usually after retirement when the employee is in a lower tax bracket.

Withdrawals of deferred compensation while actively employed are prohibited, except in cases of extreme financial hardship. Such early withdrawals are subject to approval by the plan coordinator and the Oversight Committee (representing the Governor, Treasurer, and Insurance Commissioner). A surrender charge is also levied on the amount withdrawn.

An employee wishing to participate in the deferred compensation program may select one or a combination of the following types of investment:

- . **The Guaranteed Fixed Annuity** guarantees refund of the full value of the account, i.e., all accumulated principal and interest, minus an annual asset fee and an annual administration fee. Stated minimum interest returns are guaranteed in advance for the ensuing five years. These rates are updated annually, and may exceed the guaranteed minimum. This investment includes the option of lifetime guaranteed monthly payments upon retirement.
- . **The Bank Savings Account** guarantees refund of the full value of the account and a minimum guaranteed interest rate not less than the regular passbook rate.

- . **Life Insurance** may be added, with premium costs subtracted from taxable income.

The employee also selects the method of payment upon retirement (which may include a combination of options), payment to her/his beneficiary in the event of the employee's death, or payment upon termination from state service. Retirement options include:

- . a lump sum payment (minus a surrender charge, except in case of payment to a beneficiary)
- . monthly payments for a specified number of months, with a 36 month minimum
- . lifetime monthly payments through purchase of the Guaranteed Fixed Annuity

Additional Information

Additional information concerning deferred compensation may be obtained from the Office of the Treasurer/Receiver General or from the plan coordinator.

Dependent Care Assistance Program

The Commonwealth's Dependent Care Assistance Program (DCAP) helps to lower child or elder care expenses. DCAP allows employees to set aside an amount up to \$5,000 per year on a pre-tax basis, to pay for child care, elder care or other dependent care expenses. Reducing the taxable salary amount may put an employee into a lower tax bracket and/or lower the percentage of income paid for taxes. Participation in this program does not reduce retirement or social security benefits.

Eligibility in this program depends upon the following:

- . you must have either a dependent child(ren) under the age of 13, or a spouse or dependent who is incapable of self care and who resides with you at least eight hours a day; and
- . dependent care must enable you or you and your spouse to be employed.

The maximum limit on pre-tax reimbursement is \$5,000 for a single parent household or a married couple filing jointly and \$2,500 for a married couple filing separately. The amount of reimbursement must not be greater than the spouse's income or one-half of the employee's income, whichever is less.

A fixed amount is deducted weekly from a participant's gross salary and placed in a dependent care account. Any requested changes to this amount once the plan year has begun are strictly limited. Therefore, participants are urged to estimate expenses accordingly. This plan is administered by an outside employee benefits company and a small weekly administrative charge is also deducted from gross salary.

Federal law requires that any unused funds remaining in a participant's account, and not used within ninety days of the close of the plan year for dependent care expenses accrued within the plan year, will be forfeited.

If an employee's total family income is less than \$24,000, it will generally be more advantageous to take a tax credit on the federal income tax return instead of participating in DCAP.

A federal identification number or a social security number of the dependent care provider must be given. Overnight camp and twenty-four hour nursing facilities are not eligible for DCAP reimbursement.

Additional Information

Additional information may be obtained from personnel/payroll offices or from the Office of Employee Relations; telephone (617) 727-5403.

Unemployment Insurance

Unemployment insurance provides benefits to workers who have become temporarily unemployed through no fault of their own. Most Massachusetts state employees are covered under the unemployment insurance law.

To be entitled to benefits, a claimant must:

- . have lost a job through no fault of her/his own (e.g., through layoff due to lack of funds or a reduction in force);
- . be able to work full-time;
- . be actively seeking a full-time job; and
- . have been paid wages in the 52-week period prior to filing the claim which are both 30 times his/her weekly benefit rate and total at least \$1,200.

Whenever a claim is filed, the Department of Employment and Training (DET) requests from all employers for whom the claimant worked in the 52 weeks prior to filing the claim the amount of wages paid to the claimant and the reason the claimant is no longer employed. Provided the claimant meets the eligibility requirements stated above, her/his benefits will be determined according to the wages paid in that 52 week period. Job insurance claimants receive approximately half of their average weekly wage up to the current weekly maximum of \$282. Additional benefits of \$25 per child are available for dependents. The duration of benefits is a maximum of 30 weeks in Massachusetts. During periods of high unemployment, there may be a period of extended benefits.

Any pension, retirement pay, or annuity which was contributed to or maintained by the employer may be deductible from unemployment benefits.

To expedite the filing of claims and make certain that benefits are charged to the correct state agency, separating employers should give each worker who is leaving a "Separation

Notice" (DET Form 590-A). Multiple copies of this form may be obtained by calling 727-8660.

For further information regarding unemployment insurance, refer to:

- . General Laws Chapter 151A, as amended by Chapter 720, Acts of 1977.
- . Administration and Finance Informational Circular dated August 29, 1978.

Worker's Compensation

All employees of the Commonwealth, except those in certain public safety positions, are entitled to benefits for both job-related injuries requiring medical treatment or causing incapacity for six or more days and for payment to dependents in case of accidental death. Benefits and procedures which apply to public safety personnel are outlined in separate statutes.

Each agency has one or more designated Worker's Compensation Agents who are required to file an "Employer's First Report of Injury" with the Public Employee Retirement Administration (PERA) within 48 hours of the injury, and a "Notice of Injury" with the State Board of Retirement within 90 days.

Worker's Compensation covers:

- . payments for medical, surgical, and hospital treatment
- . payments for temporary total and permanent total disability, based on a percentage of the employee's salary at the time of injury, with minimum and maximum amounts established by law, plus additional compensation to dependents up to a maximum established by law
- . additional compensation for loss of hands, feet, eyes, hearing, bodily functions, disfigurement, and other specified injuries
- . compensation to dependents in the case of death

No compensation is allowed for injuries resulting from serious and willful misconduct on the part of the injured employee. This regulation does not, however, bar payment to the beneficiary if the employee dies as a result of the injury.

Permanently incapacitated employees who are eligible for retirement under Chapter 32 of the General Laws may elect either worker's compensation or a retirement pension.

Workers' Compensation benefits are paid by the Public Employee Retirement Administration. However, if the costs attributable to a state agency exceed 85% of the previous year's level, the excess is charged against the agency's operating budget.

In some Human Service positions, worker's compensation benefits are supplemented by so-called "violence pay" when the employee is injured as a result a violent act of a patient or inmate.

Additional Worker's Compensation Information

For additional information on Worker's Compensation, consult the following sources:

- . General Laws, Chapter 152
- . The Worker's Compensation Agent of the agency in which the injured employee works
- . Public Employee Retirement Administration; telephone (617) 727-9380

Right-to-Know Law

The health and safety of its employees is of primary concern to the Commonwealth. Employees are encouraged to use appropriate safety equipment and to take necessary precautions to avoid needless accidents. Any condition which is believed to be injurious or potentially injurious to an employee's health should be reported to the appropriate supervisor as soon as possible.

The Commonwealth's Right-to-Know Law provides rights to employees regarding the communication of information on toxic and hazardous substances. These rights include a notice posted in a central location in the workplace informing employees of their rights under the law. The law also provides for annual training for those who work with toxic or hazardous substances and provides the right to obtain and examine the Material Safety Data Sheet (MSDS) for any toxic or hazardous substance to which an employee may have been exposed. An employee must request this information of her/his employer in writing. After four working days from the request date, an employee may refuse to work with the substance if the following two conditions exist:

- . the appointing authority or agency head fails to furnish the employee with the Material Safety Data Sheet; and
- . the appointing authority or agency head fails to furnish the employee with proof that the employer has exercised diligent efforts to obtain the MSDS either from the manufacturer or through the Commissioner of the Department of Labor and Industries.

Employees who are classified as "performing an essential service" may not refuse to work with the substance. One should contact her/his supervisor to determine if she/he falls in this category.

An employee who feels that she/he has been discharged, disciplined or discriminated against for exercising rights under the law has 180 days to file a complaint with the Commissioner of

the Department of Labor and Industries. For further information, employees should contact this department directly.

Retirement

Ordinary Retirement

State employees are not covered by Social Security. All eligible employees are automatically members of the Contributory Retirement System. Permanent full-time employees become members immediately. Full-time temporary, provisional and seasonal employees become members after six months of continuous employment; part-time employees (those working 50% or more of the hours of a full-time employee's work year) become members after one full year of continuous employment. Intermittent employees (those working fewer than 50% of the hours of the normal full-time work year) and seasonal employees working fewer than seven months per year are ineligible unless already members before changing work status. Employees who must complete a waiting period before becoming eligible may, after becoming members, pay appropriate deductions into the system to receive credit for the waiting period.

Contribution rates depend on when employees become members of the system. Those who became members prior to January 1, 1975, contribute 5% of their regular compensation for retirement. Employees whose membership commenced on or after January 1, 1975, but prior to January 1, 1984, must contribute 7%; on or after January 1, 1984, 8%. Employees whose membership began on or after January 1, 1979, must also contribute an additional 2% on that portion of regular compensation which exceeds \$30,000.

The retirement allowance is made up of an annuity, which is based on accumulated contributions, plus a state-funded pension which makes up the difference between the annuity and the total allowance.

Since an IRS ruling in 1988, retirement deductions have been made on a pre-tax basis; that is, federal withholding is calculated on the gross amount minus retirement deductions.

Each employee is assigned to one of four retirement groups, based on occupation. Most state employees, except for those in certain hazardous occupations or public safety positions, are assigned to Group 1. The group assignment determines the maximum retirement age and the size of retirement allowance due, based on age at retirement. Employees leaving state service may have different retirement alternatives, depending on age, date of entry into state service, and amount of creditable service, which are summarized at the end of this section.

The basic formula for calculation of an employee's retirement allowance is a percentage factor based on retirement group and age at retirement times the annual rate of compensation (determined by taking the average of the employee's three highest consecutive years' regular compensation) times the number of years of service. The maximum retirement allowance is 80% of the average annual rate of compensation. The percentage factor used is based on the following table:

Retirement Percentage Factor - Group 1
Based on Age on Last Birthday
At Date of Retirement

Percent	Age
2.5	65 or over
2.4	64
2.3	63
2.2	62
2.1	61
2.0	60
1.9	59
1.8	58
1.7	57
1.6	56
1.5	55

Example:

An individual aged 65; average annual compensation = \$20,000.
30 yrs., 6 mo. service; Retirement Group 1
Calculation: 2.5% of \$20,000 x 30.5 =
\$15,250.00 = annual retirement allowance.

The employee selects the method of payment of the retirement allowance from four options:

Option A: Provides the full retirement allowance in monthly payments. All payments cease upon the death of the retiree.

Option B: Upon the death of the retiree, any unpaid balance of the annuity portion of the retirement allowance is refunded to the retiree's beneficiary. Monthly payments to the retiree which he/she is allowed are typically three to five percent less than with Option A. The exact amount depends upon the retiree's age at retirement and the amount of money paid into the system.

Option C: Upon the death of the retiree, the surviving named beneficiary is paid two-thirds of the retiree's monthly retirement allowance for life. Payments to the retiree under this option are somewhat lower than under Option B, depending upon the age of the retiree and the age of the named beneficiary. If the designated beneficiary predeceases the retiree, the allowance increases to one calculated as an Option A. The retiree may not name a new beneficiary.

Option D: In addition, an active employee may exercise her/his option to nominate a beneficiary other than a spouse to receive two-thirds of the Option C allowance if the employee dies prior to retirement.

Prospective retirees are urged to consult with the State Board of Retirement when selecting an option. A counseling program is available for those planning on retirement within five years.

Employees under the age of 55 who resign from the service of the Commonwealth after at least 10 years of service may withdraw accumulated funds that have been deducted from their salaries or leave them on deposit and apply for a retirement allowance upon reaching retirement age. No interest will be refunded to members with fewer than five years of creditable service who withdraw accumulated deductions.

Employees with over five years but fewer than 10 years of service will receive 50% of the

accrued interest; employees with 10 years creditable service will receive all accrued interest. Employees aged 55 or over (with at least 10 years of service if hired on or after January 1, 1978) who resign may receive a retirement allowance, but may not withdraw accumulated deductions.

Employees who receive a refund of their accumulated retirement deductions and subsequently return to the service of the Commonwealth do not have to repay or make up those withdrawn funds. Whether or not a repayment is made, however, those members must contribute 8% of their salaries as a retirement deduction, even if they were formerly contributing 5% or 7%.

Disability Retirement

Ordinary disability retirement benefits are available to permanently incapacitated non-veterans under age 55 with at least 10 years of service. After age 55, incapacitated non-veterans retire under the regular retirement provisions. Permanently incapacitated veterans with at least 10 years of service are eligible for ordinary disability retirement benefits at any age under maximum retirement age.

Accidental disability retirement benefits are available to employees who are totally and permanently disabled as a result of on-the-job injuries. Employees cannot file for accidental disability retirement within two years of their maximum retirement age unless the accident occurred within three years of that age. Accidental death benefits are available in the event of the death of an employee or retiree resulting from on-the-job injuries. Ordinary disability, accidental disability and accidental death allowance payments are reduced by the amount of any Worker's compensation payments received for the same condition.

Additional Information

- . General Laws, Chapter 32
- . State Board of Retirement, One Ashburton Place, Boston, MA 02108; telephone (617) 367-7770.

Summary of retirement requirements and alternatives

Age	Date Of Hire	Creditable Service	Benefits Available
55 or more	On or after 1/1/78	10 or more years	Immediate retirement allowance OR defer retirement.
55 or more	On or after 1/1/78	Less than 10 years	Lump sum return of contributions from retirement system plus all of the interest which has accumulated. Please note that if a member voluntarily withdraws from service and was hired on or after 1/1/84, she/he is subject to limitations on the amount of interest.
55 or more	Before 1/1/78	Any number of years	Immediate retirement allowance OR defer retirement.
Under 55	Any date of hire	At least 30 years; or 20 to 30 years if position was abolished or member was discharged without moral turpitude	Reduced immediate retirement OR defer retirement OR lump sum return of contributions from retirement system plus all interest.
Under 55	Any date of hire	10 to 20 years; or 20 to 30 years if termination is voluntary.	Deferred retirement allowance OR lump sum return of contributions from retirement system plus all interest.
Under 55	On or after 1/1/78	Less than 10 years	Lump sum return of contributions from retirement system plus all interest. Please note that if a member voluntarily withdraws from service and was hired on or after 1/1/84, she/he is subject to limitations on the amount of interest.
Under 55	Prior to 1/1/78	6 to 10 years	If position is abolished or member is discharged without moral turpitude, deferred retirement allowance OR lump sum payment of contributions to retirement system plus all interest.
Under 55	Prior to 1/1/78	Less than 6 years or less than 10 years if voluntary termination.	Lump sum return of contributions from retirement system plus all interest.

Please note that if you are entitled to an annual retirement allowance of less than \$360, you must take lump sum return of contributions, rather than an allowance. Questions pertinent to individual circumstances and calculations should be directed to the State Board of Retirement (617-367-7770).

PURCHASING AND PROCUREMENT

Purchasing and Procurement

General

Under the laws of the Commonwealth, the Department of Procurement and General Services (DPGS) is responsible for purchases by state agencies of all materials, equipment, supplies, machinery, printing or other property including data processing and telecommunication equipment and services, except for those purchased for legislative or military purposes. This responsibility includes the purchase of materials and supplies needed by agencies for construction and repair work to be performed by agency personnel.

Agency managers must comply with several general laws and regulations which apply to purchasing. These laws and regulations apply to printing requirements, products manufactured or sold by the Department of Correction or the Commission for the Blind, Blanket Contracts and the provision of estimated procurements to the DPGS.

Agencies are given the authority to make commodity purchases without the approval of the Purchasing Agent under three conditions:

- Purchases made under a Price Agreement issued by the DPGS;
- Emergency purchases where life, limb, or property is in jeopardy; and
- Purchases valued at under \$500.

Many items purchased are required throughout the year by several state agencies. DPGS obtains the best estimate of total requirements, then enters into contracts with suppliers to furnish certain of these items at fixed prices and quantity for a specified period of time. This type of contract is referred to as a Price Agreement (Blanket Contract). In order to receive optimum price benefits from Price Agreements, DPGS's Bureau of Commodity and Service Procurements requires an estimate of each agency's needs for a particular fiscal year by the prior March 31. An appropriate time for agency managers to develop their estimates would be during the period leading

to the administrative approval of the budget for the upcoming fiscal year. Upon execution, the Bureau sends each agency a list of current Price Agreements and the items covered by each contract.

Agency printing and graphic arts requirements costing in excess of \$500, including documents regularly printed, mimeographed or duplicated in any other way, whether for outside or inter-departmental circulation, must be approved by the State Purchasing Agent. The Printing Review Board may be contacted for advice and assistance on printing matters: telephone (617) 727-5000.

Agencies are required by law to procure certain items produced by the Department of Correction's Correctional Industries Program. Catalogues and information on this program may be obtained from the Massachusetts Correctional Industries Division, Department of Correction, P.O. Box 188, Industries Drive, Norfolk, MA 02056; telephone (617) 727-0227.

The law also requires that agencies purchase certain items produced by the Commission for the Blind. Information and catalogues may be obtained from the Massachusetts Industries for the Blind, 173 Second Street, Cambridge, MA 02142; telephone (617) 727-9840.

Agency managers should ensure that specifications for commodities and equipment which are requisitioned establish quality requirements. Overstatement of specifications, however, could result in unnecessarily restricting competition or increasing prices; understatement could result in procurement of items of low grade or quality.

Agencies should, when practicable, specify performance needs in terms of fit, shape, function and quality rather than in terms of a particular vendor's product. The agency managers are also urged to review frequent purchases of items under \$500 in value. Agencies may not "split" orders to avoid public bidding requirements. Consolidation of requirements on one

purchase request could present an opportunity to save money. Moreover, DPGS also maintains a list of state surplus property which should be reviewed to prevent unnecessary purchases.

Delivered items should be inspected immediately; deliveries which do not satisfy the specification requirements of the order or contract should be rejected immediately, with notice given to the vendor stating the reason for rejection. DPGS's Division of Inspectional Services should be notified by telephone at (617) 727-7500 and by copy of the confirming letter of the unsatisfactory delivery. Timely attention to the inspection and acceptance of deliveries is absolutely necessary to support a high quality purchasing program.

Purchase Requisitions

When submitting purchase requisitions to DPGS, agency managers should keep in mind that the minimum time frame between the DPGS receipt of a requisition and the award of a contract is five to six weeks. At the beginning and end of each fiscal year, when the number of requisitions received by DPGS increases greatly, a commensurate increase in the turn-around time can be expected. Whenever possible, agencies should schedule requisitions to DPGS during lighter workload periods.

Processing Invoices

Agency managers are also urged to process invoices in a timely fashion. Slow payment by the state is probably the most frequent complaint of vendors. Some have refused to bid on state contracts because of their experiences with slow payment. Prompt payment to vendors depends upon the individual agencies' timely processing of invoices. Prompt payment could result, over time, in lower prices for items purchased by the Commonwealth.

Direct Purchases

Agency personnel are responsible for approximately \$30 million in purchases made directly from vendors rather than through DPGS. The personnel who buy for agencies can obtain reasonable prices by "shopping" for value and dis-

counts and by comparing the prices of several vendors before making a particular purchase.

In summary, agency managers are responsible for providing leadership and direction to subordinate personnel involved in the purchasing process. Ensuring the most cost-effective expenditure of public funds can be accomplished by a program of estimating agency needs, insisting on competition for awards, using collective contracts, combining requirements for volume purchasing, substituting surplus property for new purchases whenever practical, and continuously monitoring these processes.

Additional Information

Agency managers should read General Laws Chapter 7, section 22 and the Code of Massachusetts Regulations, 802 CMR 2.00, 3.00, 4.00 and 5.00. Additional information and literature may be obtained from DPGS, One Ashburton Place, Room 1017, Boston, MA 02108; telephone 727-7500.

Data Processing Equipment, Systems and Services

Chapter 29, section 27B of the General Laws mandates that the Commissioner of Administration (Secretary, Executive Office for Administration and Finance) establish rules and regulations governing the lease or purchase of data processing equipment or systems. The Secretary for Administration and Finance has delegated this responsibility to the Department of Procurement and General Services, Bureau of Information Technology Acquisitions (DPGS/BITA). Administrative Bulletin 90-4, promulgated as 802 CMR 1.00, establishes procurement policies and procedures for Information Technology Resources (ITR). Agency heads should carefully read 802 CMR 1.00 if anticipating the purchase of data processing or telecommunications equipment, software and services. The synopsis below provides only a general overview.

Scope and Application

No agency of the Executive Department of the government of the Commonwealth, excluding public institutions of higher education and the departments of the Attorney General, State Secretary, State Auditor and State Treasurer, may make any expenditure of funds, whether appropriated or not, for the procurement of automated data processing hardware (including word processing equipment), software, systems or services except in compliance with Administration and Finance regulations. DPGS/BITA may, from time to time, publish guidelines for the purpose of assisting agencies in complying.

Planning Requirements

An agency that uses or intends to use ITR hardware, software, systems or services files a current agency Information Technology Plan (ITP) and all revisions with the respective Secretariat or, if not under a Secretariat, with BITA.

Procurement Procedures

For each procurement, an agency designates one person within the agency as the "procurement coordinator". That person coor-

dinates the agency interactions with its Secretariat and with BITA, sending a Notice of Proposed Procurement (NOPP) to BITA.

A BITA analyst meets with the procurement coordinator in order to review the notice and offer advice concerning the nature and scope of the procurement and its consistency with the agency ITP as well as the intended method of procurement. The BITA analyst also assists in the preparation of request forms (AF-29) with supporting documentation. In all cases, the BITA analyst and the agency will attempt to purchase the needed resource under a Blanket Contract.

Each procurement request must go through a series of approvals: first, by the applicable Secretariat, contingent upon sufficient funding; second by BITA; and third, by the Purchasing Agent or his designee. If a request is disapproved the agency may explore alternatives, withdraw the request, or appeal to the Secretary for Administration and Finance. Approved requests for equipment are submitted by BITA to the House and Senate Committees on Ways and Means.

Request for Proposal

Once the request for resources is approved, the Selection Board prepares solicitation documents. The Selection Board consists of one or more full-time employees appointed by the Purchasing Agent or his designee, one of whom must be a nominee of the requesting agency. Contracts to supply ITR are made only with vendors selected by competitive proposals unless BITA determines that such a method would be impractical or disadvantageous. Moreover, the Purchasing Agent or his designee must approve the use of an alternative method of selection.

The Selection Board usually prepares a "Request for Proposal" (RFP) and related evaluation criteria which are submitted to BITA for approval before being transmitted to the Purchasing Agent. If the Purchasing Agent or his designee finds that the RFP or related evaluation criteria do not violate applicable

rules or procedures of the DPGS, she/he then advertises and issues the RFP according to standard purchasing procedures.

The Selection Board evaluates responses and delivers a written report of its findings and recommendations to BITA. Unresolved differences between the Selection Board and BITA or the Purchasing Agent are referred to the Secretary for Administration and Finance for disposition.

Contract Administration

A contracting team negotiates an agreement with the selected vendor. The contracting team consists of one or more qualified full-time employees, one of whom must be a nominee of the requesting agency and an appointee of the Purchasing Agent or his designee. The contracting team submits the negotiated contract to BITA for review as to completeness, conformance to the RFP, and general suitability for approval by the Purchasing Agent or his designee. BITA then arranges for execution of the contract and files one signed original with the Office of the Comptroller, where the date of filing is noted. In some cases, an encumbered purchase order is an adequate form of contract.

Payment to the contractor cannot be made until the AF-29 is date-stamped by, and the contract filed with the Comptroller. Each invoice relating to the procurement of ITR submitted to the Comptroller for processing must identify the AF-29 on file with the Office of the Comptroller .

Additional Information

Information and literature may be obtained from the Bureau of Information Technology Acquisitions (BITA), One Ashburton Place, Room 1017, Boston, MA 02108; telephone (617) 727-7500

DEVELOPEMENT OF HUMAN RESOURCES

Training and Development

Department of Personnel Administration

The Human Resource Development (HRD) Group at the Department of Personnel Administration (DPA) provides programs and centralized direction regarding training and development for all state employees. It contributes in a cost-effective way to the development and productive use of the Commonwealth's human resources by providing technical assistance to agencies and training programs for management, supervisory, professional, and clerical/support staff.

Management Development In Massachusetts

Tier I: (HRD Program) Making the Transition to Management. For newly appointed entry level managers and staff interested in management.

Tier II: (UMass Program) Core Management Development. For entry to mid-level managers and professional staff.

Tier III: (UMass Program) Managing Operations in Public Agencies (concentration in operations). For senior managers.

Tier III: (Brandeis Program) Managing People in Public Agencies (concentration in human resource management). For senior managers.

Tier IV: (Harvard University Kennedy School of Government Program) Senior Executive Management. For agency heads and their key management staff.

Tier V: (MIT Sloan School of Management Program) Leadership for the Future. For cabinet secretaries, agency heads, commissioners, college and university presidents.

Other HRD programs for management development include:

- Orientation for New Managers
- Performance Management System (PMS)
- Management of Change

- State Government Financial Management
- Critical Thinking, Goal Setting and Planning
- Successful Negotiation
- Resource Allocation: Streamlining Your Organization
- Managing your Human Resources
- Customer Service: Achieving Public Excellence
- Speed Reading Skills
- Working Smart: Managing Automation

Professional and Staff Development

The HRD Group offers programs for professional and support staff that focus on areas of knowledge and skill to increase productivity and employee motivation and also contribute to individual career development. Areas of supervision, communication and technical development are emphasized.

Computer Development

An up-to-date computer lab is maintained and offers programs that focus on building computer skills and are applicable to any employee of state government. Topics focus on word processing, database management and spreadsheet systems.

Master Service Agreement

DPA, the Department of Procurement and General Services and the Office of the Comptroller, with the assistance of the Inter-agency Training Task Force, develop and distribute a Master Service Agreement (MSA) for Specialized Training and Consultation Services. The MSA provides a list of trainers who have been certified by DPA to deliver training to state employees. It is a major resource for state agencies since it minimizes many of the time-consuming aspects of selecting, contracting with, and determining rates for vendors for in-house training activities. The MSA also functions to provide a consistent quality of services and to standardize and maintain reasonable hourly rates

for training offered in the Commonwealth. Many agencies have commented on how valuable this tool is to their training efforts.

The Interagency Training Task Force has been appointed by DPA and cabinet secretaries to develop the menu of topics and services that are available and to participate in the certification process of the trainers. Their time and professional experience in these activities contribute a great deal to the quality of the MSA.

State Agency Human Resource Development Certificate Program

The HRD Group, in collaboration with state agencies, has established an annual certificate program in human resource development (HRD). The program is offered tuition free to 24 selected participants responsible for human resource development programs in state agencies and colleges.

The certificate program has two primary objectives. First, the program provides state agencies with the capacity to administer a broad range of HRD functions. Second, the program provides state agencies with the capacity to deliver in-service training on a wide variety of topics. To meet these two objectives the program provides intensive training in the following subject areas:

- Training needs assessment
- Program evaluation
- Curriculum development
- Training/presentation skills
- Public speaking
- Group process and observation skills
- Technical/administrative issues
- RFP development
- Training plans

The classroom training is delivered by established, experienced HRD professionals who currently work in state agencies. The program is scheduled over a nine month time period and includes 18 days of formal training as well as practical application opportunities. Participants are selected through a formal, competitive application process in the first quarter of the fiscal year.

Bradford Fellowship Program for Excellence in Public Administration

Harvard University's John F. Kennedy School of Government and DPA offer a senior manager the opportunity to attend the University's Mid-Career Master in Public Administration Program. The application process begins in November of each year.

The Mid-Career MPA Program is designed for experienced professionals who are college graduates, and who are dedicated to public sector management. This fellowship provides a unique means to pursue a well recognized program of study, enhancing management and policy analysis skills which are so vital within this state government.

PMS: Performance Management System EPRS: Employee Performance Review System

The Performance Management System (PMS) for managers and the Employee Performance Review System (EPRS) for non-managers serve as the state systems for evaluating employee performance. PMS is monitored by DPA and EPRS by the Office of Employee Relations. HRD provides training programs on a continuing basis to support and enhance the effective use of these performance evaluation systems. Please see the annual HRD catalogue table of contents for courses particular to PMS and EPRS for each fiscal year.

Tuition Remission Program for Managers

DPA's HRD Group provides access to the Tuition Remission Program for managers. All eligible employees have the opportunity to obtain an undergraduate or graduate degree in the area of their choice at a reduced cost. The state may cover as much as 100% of an employee's tuition for courses taken at any of the nine state colleges, 15 community colleges, the University of Lowell, Southeastern Massachusetts University, or the University of Massachusetts.

Office of Employee Relations

The Office of Employee Relations (OER) has developed and implemented extensive training programs for two distinct employee populations: bargaining unit members and managerial personnel. The purpose of the training components designed for bargaining unit employees are to improve and refine basic and work related skills. A better-educated workforce will deliver the best quality of services to the Commonwealth. Training programs for bargaining unit employees have been brought about through the collective bargaining process.

Managerial training is designed to give supervisory and management staff a firm foundation in the proper practices and principles of employee relations. Its objectives are to save the Commonwealth time and money by avoiding unnecessary arbitration and litigation of labor relations matters, and to foster effective management communication with employees.

Training and Career Ladder Programs

OER training and career ladder programs have been developed through Joint Labor-Management Committees (JLMC) formed with individual public labor unions in the collective bargaining process. These committees assess training needs, develop programs and make decisions about the types of programs employees can participate in to expand their skills for upward career mobility.

As employees further their education and enhance their skills, they become eligible for career ladder advancement if appropriate positions are available. The education and potential advancement opportunities offered through training will professionalize the workforce, while strengthening employee morale and dedication to the Commonwealth.

Tuition Remission Programs for Employees

The Commonwealth provides two programs for the purpose of encouraging employees to

supplement their education by attending degree or non-degree courses of instruction at state universities, colleges and community colleges. Those enrolled in a state-supported program at any community college, state college, or university, are granted 100% remission of tuition. Those enrolled in a continuing education program at one of these institutions are granted 50% remission of tuition. Tuition remission is not available for courses at the University of Massachusetts Medical Center.

OER administers the program for full-time state employees with titles included in collective bargaining units that are covered by agreements providing tuition remission. This program also includes employees in confidential positions that would otherwise be covered by such an agreement. These tuition remission procedures are contained in OER Memorandum No. 83-8.

Management Labor Relations Training

OER conducts extensive training activities on labor relations matters for secretariat and agency managers and supervisors. Presentations on the latest developments in public sector labor relations and new state programs are made at the OER annual conference. On-going workshops and seminars are conducted on such topics as effective contract administration, progressive discipline, sick leave management, grievance processing, collective bargaining, the Employee Performance Review System (EPRS) and other subjects upon request.

Additional information concerning training programs may be obtained at OER, Room 1002, One Ashburton Place, Boston, MA 02108; telephone (617) 727-5403.

Office of Management Information Systems

Technical Education

The Bureau of Technical Education (BTE) in the Office of Management Information Systems (OMIS) offers over 20 different programs each month in a wide variety of technology-related topics. From the courses that introduce the statewide network to advanced topics in information management and planning, BTE helps agencies make the most of their investment in technology.

The **BTE Catalogue of Courses** is published and distributed to all agency heads and training liaisons each September. A course registration bulletin is sent out monthly. Most courses are available to Commonwealth personnel free of charge, or at rates considerably less than market value.

Courses of particular interest to managers include:

- Overview of Data Processing Services at OMIS
- Banyan Users' Overview
- The DPGS/BITA Procurement Process
- Strategic Use of Computers in the Public Sector
- Project Management
- Technical Pay Law: All You Need to Know

In addition, 10 or 12 special programs and seminars are conducted each year by the OMIS Office of Technology Planning (OTP).

Courses for administrative and clerical staff include:

- The OMIS Library: Access to Information
- Macintosh Project Workshop
- Introduction to SAS
- IMAGINE/PMIS
- IMAGINE/MMARS
- Introduction to Information Security

For those agencies who employ their own MIS staff, BTE offers courses in:

- ADABAS/NATURAL
- JCL
- Disaster Recovery
- Data Communications
- Tax Exempt Lease/Purchase
- CON-NECT

Technical Training Facilities

To support its training activities, BTE maintains three classrooms wired to the OMIS Data Center. One of these classrooms is equipped with Telex and IBM terminals; one has personal computers (PCs) connected to the Commonwealth's wide-area network, and one classroom has a single PC with overhead projection capability. All of these classrooms are available to other agencies, free of charge, when not scheduled for BTE classes.

Agencies who use these rooms must provide enough copies of the software to comply with the product's copyright requirements. BTE will provide technical support before and after the class and will be responsible for loading and removing software.

Graphics Assistance

In addition to the basic curriculum and special events conducted by the Bureau, OMIS provides desktop publication and graphics assistance. Through one-on-one project workshops, OMIS staff helps agencies use Macintosh and PC technology to create professional slides and transparencies for formal presentations. OMIS also offers instruction in publication design and layout, using an array of software tools.

Additional Information

Information about BTE's courses, programs, and services is available by phone at (617) 973-0925, or via the Commonwealth's Wide Area Network: Courses@BTE@MIS. The Bureau of Technical Education and all of its classrooms are located at One Ashburton Place, Boston.

Office of the Comptroller

The Training Unit in the Office of the Comptroller offers a wide variety of training courses for state departments on a no-cost basis. Courses are designed to give managers and staff the skills necessary to manage and use the statewide personnel, financial, accounting and reporting systems. Several of these courses are eligible for Continuing Professional Educational (CPE) Credit.

The Training Unit also offers technical assistance to departments by making on-site visits to help resolve problems and by conducting agency specific training. By working closely with MMARS and CAPS Liaisons to determine training needs, the Training Unit is able to update course offerings as needed.

The annual Training Catalogue is published in-house and is distributed every January to MMARS and CAPS Liaisons. It gives a full description of the courses listed below. The Schedule of Courses, distributed quarterly, lists the course dates, times, and locations. Registrations are accepted only from MMARS/CAPS Liaisons. Call the Training Unit at 727-5000 ext. 385 for additional information.

Core Courses: For users who are new to MMARS or the statewide system.

- Computer Awareness*
- State Accounting Seminar*
- Policy, Procedures and Forms
- The Commonwealth's Automated Payroll System (CAPS)
- MMARS System Use
- MMARS System Use for Managers
- MMARS Reports

Intermediate Courses: For system users who have some knowledge of MMARS.

- Extended Purchasing System
- Advance Management
- Good Financial Practices
- Service Contracts
- Revenue*
- Appropriation Process

MMARS Troubleshooting

Specialized Courses: Courses that address unique topics or target groups.

- PARIS (Personnel Administrative Reporting and Information System)
- Senior Managers Briefing*
- Records Management
- Federal Grants Management
- Internal Control: Theory and Workshop
- GAAP Reporting
- Opening and Closing Issues
- Expense Budget Briefing
- Security Briefing for MMARS/CAPS Security Officers
- Ready Payments
- Fixed Assets
- Construction Contracts
- Higher Education Non-Appropriated Funds
- Debt Collection Policy
- Accounts Receivable

CUSTOMIZED COURSES: Courses customized to the users specific needs.

- CAPS: System Use
- CAPS: Policy, Procedures, Forms
- CAPS: System Use for Managers and Supervisors
- CBARS

IMAGINE/MMARS: Ad hoc report writing used in conjunction with the MMARS database.

Note: Courses with * are eligible for Continuing Professional Educational (CPE) credit.

Employee Performance Recognition Program

Pride in Performance

The Commonwealth's employee performance recognition program, called Pride in Performance, celebrates excellence in state government with three types of awards to outstanding individuals or groups.

The Commonwealth Citation for Outstanding Performance is awarded to selected employees in each executive department agency who have demonstrated exemplary work performance. Selections are made by the cabinet secretary or agency head based on nominations by employees themselves. Those nominated but not selected for the Citation are given a Certificate of Recognition.

Since the inception of the program, ten individuals or groups have been selected annually from those awarded the Commonwealth Citation to receive a Governor's Award for Excellence in Public Service. This award, named in honor of the late Manuel Carballo, former Secretary of Human Services, recognizes those who exemplify in their work the highest standards of public service.

Awards are presented at a gala dinner in the fall, highlighted by the presentation by the Governor of the Award of Excellence in Public Service to the ten recipients. This award includes a stipend of \$1000. A calendar featuring the names of the winners of the Commonwealth Citation, with photographs of the Governor's Award recipients, is distributed.

Executive Department employees who have been in state service for at least two years as of June 1 of the award year are eligible for nomination. Excluded are those employees currently holding positions to which they were appointed directly by the Governor, or employees whose appointments were subject to the formal approval of the Governor. Nominations may be made by supervisors, peers, professional colleagues or others familiar with the person's or group's work.

More information about procedures for the Pride in Performance program is contained in Administrative Bulletin 84-6, available from the Department of Personnel Administration.

A WORD TO THE WARY

Conflict of Interest

Chapter 268A of the General Laws sets forth the law concerning the conduct of public officials and employees. This law places restrictions, in some instances, on state, county and municipal employees; special state employees; elected officials; immediate family (i.e., spouse, parents, children, and brothers and sisters) of all of the aforementioned; former county, state and municipal employees; and members of state commissions and boards. It would be impossible to delineate every possible instance of conflict of interest in which a public official or employee might engage. The following guidelines, however, should prove helpful.

You may not:

- . give or receive anything of value with the intent of influencing any official act or responsibility, committing fraud, inducing one to commit or to fail to do any act in violation of her/his duty;
- . attempt to influence the testimony under oath or affirmation of a witness upon a trial, before any court, any committee of either house, any agency, or commission;
- . accept compensation of any sort from anyone (except the Commonwealth or a state agency) in relation to any particular matter in which the Commonwealth or a state agency is a party or has a direct and substantial interest;
- . act as agent or attorney for anyone (except the Commonwealth or a state agency) for prosecuting any claim against the Commonwealth or a state agency;
- . have a direct or indirect financial interest in a contract made by a state agency in which the Commonwealth or a state agency is an interested party. There are several exceptions which would allow you to have an interest in a state contract; it is recommended that you review General Laws Chapter 268, section 7.

You may:

- . assist any person who is the subject of disciplinary or other personnel administration proceedings, so long as you are not compensated and your assistance is not inconsistent with the faithful performance of your official duties;
- . testify under oath or make statements required to be made under penalty for perjury or contempt;
- . act, with or without compensation, as an agent or attorney for members of your immediate family or for any person for whom you serve as guardian, executor, administrator, trustee, or other personal fiduciary, provided that the state official responsible for your appointment approves and provided that the matter in which you are acting is not one in which you have participated in your official capacity or is a subject of your official responsibility.

Before you engage in any activity which may violate the Conflict of Interest Laws of the Commonwealth, you should request an opinion from the State Ethics Commission, One Ashburton Place, Room 619, Boston, MA 02108; telephone (617) 727-0060.

Indemnification

Chapter 258 of the General Laws sets forth the protection afforded to public employees when they are sued for actions undertaken in performance of their official duties and responsibilities.

"Public employees" are defined by statute as "elected or appointed officers or employees of any public employer, whether serving full or part-time, temporary or permanent, compensated or uncompensated, and officers or soldiers of the military forces of the Commonwealth."

The definition of "public employer" is as follows: "The Commonwealth and any county, city, town or district, including any public health district or regional health board established pursuant to the provisions of section 27A or 27B of Chapter 111, and any department, office, commission, committee, council, board, division, bureau, institution, agency or authority thereof which exercises direction and control over the public employee, but not a private contractor with any such public employer, the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the Massachusetts Turnpike Authority, or any other independent body politic and corporate. With respect to public employees of a school committee of a city or town, the public employer, for purposes of this chapter, shall be the said respective city or town."

As a public employee, you and your estate are protected from liability up to \$100,000 for any injury or loss of property or personal injury or death caused by your negligent or wrongful act or omission while acting within the scope of your official duties. A public employee is, however, required to assist the public employer in the defense of such an action. If she/he fails to assist, and the failure prejudices the defense of the action, she/he may become jointly liable with the public employer and be required to pay all or a portion of the judgment. A public employee may not be defended for certain claims (see General Laws Chapter 258, section

10(c), since the immunity granted to a public employee does not cover such claims).

Certain claims, such as intentional torts or violations of the civil rights of any person under any federal or state law may be indemnified by the public employer in an amount not to exceed one million dollars. However, no indemnification is granted to a public employee who violates any person's civil rights if the public employee has acted in a grossly negligent, willful, or malicious manner (see General Laws Chapter 258, section 9). With a few exceptions, if a public employee is sued in her/his official capacity or for the actions relating to her or his official duties, the public employee will be defended by the Attorney General's office.

Additional Information

Indemnification for certain public employees is covered in other chapters of the General Laws. Those employees and the appropriate chapters and sections are:

- . Employees in the Executive Office of Human Services or the Department of Education: Chapter 12, section 3E
- . Certain employees of Registry of Motor Vehicles: Chapter 16, section 11
- . State and Metropolitan District Police: Chapter 258, section 9A
- . Capitol Police: Chapter 8, section 4B

Political Activity

General

As an employee of the Commonwealth,

You may:

- . be a member of political organizations or committees;
- . contribute to committees for the election of a candidate; and
- . refuse to contribute to any political fund or render any political service.

You may not:

- . directly or indirectly solicit or receive any gift or contribution for the political campaign purposes of any candidate for public office or any political committee;
- . solicit or receive any payment or gift of money for any candidate or political committee in any state, county, or municipal building;
- . deliver any contribution for the promotion of any political purpose to any officer, clerk or other person in the service of the Commonwealth, county, city or town, or to any councillor, member of the legislature, alderman, councilman, or commissioner;
- . require any employee in public service to contribute to any political fund or render political service; or
- . threaten any employee of the state, county, city or town with discharge or other personnel action for not making a contribution for a political purpose.

All of the prohibited political activities, if violated, carry penalties of imprisonment for a certain time period, a fine, or both. Some political activities in which you may wish to engage may not appear to be violations of the law. However, you are encouraged to inquire before you commit yourself. Any inquiries concerning political activity should be referred

to the Office of Campaign and Political Finance, One Ashburton Place, Room 1007, Boston, MA 02108; telephone (617) 727-8352.

State Employees Paid by Federal Funds

A state employee whose principal employment involves an activity financed in whole or part by loans or grants made by a Federal Government agency is prohibited by Title 5, U. S. Code, Chapter 15 (Hatch Act) from engaging in political activity on behalf of a Democratic, Republican or other party candidate.

As a state employee in this category,

You may:

- . engage in partisan political campaigning;
- . be a candidate for a political party office;
- . be a candidate in a nonpartisan election;
- . attend political conventions and serve as a delegate or alternate; and
- . perform volunteer work for a partisan candidate, campaign committee, or political party.

You may not:

- . become a candidate for elective office in a partisan primary, general or special election; or
- . force another employee to contribute to a candidate.

In some instances, state law may also apply to certain political activities previously mentioned in which you may not engage.

Any questions regarding political activity for persons paid by federal funds should be referred to the Office of Special Counsel, Merit System Protection Board, 1120 Vermont Avenue, N.W., Washington, DC 20419; telephone (202) 652-6005.

GLOSSARY

Glossary of Personnel and Civil Service Terms

Administrator The Personnel Administrator of the Department of Personnel Administration.

Affirmative Action The use of positive and aggressive measures to ensure equal opportunity, and to remedy the effects of present and past discriminatory practices.

Appointing Authority Any person, board, or commission with the power to appoint or employ personnel in a position.

Appointment There are several types:

- **Emergency** An appointment made for a specified time (generally 30 days) without requisition, to cover an unforeseen emergency.
- **Intermittent** An appointment from an eligible list to recurrent employment which may be regular or irregular as the needs of the service require.
- **Permanent** An appointment to a permanent position.
- **Provisional** An appointment authorized on a requisition when there is no civil service suitable eligible list.
- **Temporary** An appointment made for the duration of a vacancy or to a temporary position from a certified eligible list.

Alternate Departmental Promotional Examination A competitive examination for promotion within a department open to certain employees in qualifying titles or who meet specific entrance requirements.

Basic Merit Principles

- recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills including the open consideration of qualified applicants for initial appointment;

- providing equitable and adequate compensation for all employees;
- providing training and development for employees, as needed, to assure the advancement and high quality performance of such employees;
- retaining employees on the basis of adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, sex, marital status, handicap, or religion and with proper regard for privacy, basic rights, constitutional rights as citizens; and
- assuring that all employees are protected against coercion for political purposes, and are protected from arbitrary and capricious actions.

Certification The designation to an appointing authority by the administrator, pursuant to the Civil Service law and Personnel Administration rules, of names of persons from an eligible list or register who qualify for appointment to Civil Service positions.

Chapter 31, section 47A A means for appointing authorities to hire "disadvantaged" persons (who pass examinations) from "special" eligible lists. It provides that the Personnel Administrator "certify names alternatively from the regular list and the special eligible list."

Chapter 500 A Chapter of the Acts of 1974 enacted to increase opportunities for part-time employment within all executive agencies of the Commonwealth.

Civil Service Classified civil service under the General Laws of Chapter 31 and Personnel Administration rules.

Civil Service Appointment An original appointment or a promotional appointment made pursuant to the provisions of the Civil Service law and Personnel Administration rules.

Civil Service Employee A person holding a Civil Service appointment.

Civil Service Law and Personnel Administration Rules Chapter 31 of the General Laws as amended and the rules promulgated pursuant to Chapter 31.

Civil Service Position An office or position, appointment to which is subject to the requirements of the Civil Service law and Personnel Administration rules.

Class (Class of Positions) All positions that are sufficiently similar in kinds of duties and levels of responsibility that: 1) the same descriptive title may be used to designate each position; 2) essentially the same tests of merit and fitness may be used to select employees; and 3) under like working conditions, the same schedule of compensation may be applied with equity. Position and class are identical only when the class consists of a single position.

Class Allocation The first official placement of a class (job title) in a job group in a salary schedule.

Class Reallocation (Upgrading) The official subsequent placement of a class job title in a higher job group in a salary schedule.

Class Specification An official description of the characteristic duties, responsibilities and qualification requirements of a class.

Classified Civil Service Offices and positions to be filled under Chapter 31 and the Personnel Administration rules.

Classification Plan All classes that have been established for an agency, and the procedures utilized to maintain the plan and specification maintenance.

Commission The Civil Service Commission of the Commonwealth.

Competitive Examination A Civil Service examination held for original appointment and open to all eligible persons.

Competitive Promotional Examination A competitive examination for promotion open to certain employees of the Commonwealth in qualifying titles.

Continuous Examination Competitive examination held from time to time without a final date whenever the Administrator determines the public convenience so requires for original appointment and open to all eligible persons.

Delegation The delegation of the administration of civil service and other personnel functions.

Departmental Promotional Examination A competitive examination within a department for promotional opportunities within the department and open only to certain employees in specific titles.

Disabled Veteran Any veteran who (1) has a continuing service-incurred disability of not less than ten per cent based on wartime service for which he is receiving or entitled to receive compensation from the veterans' administration or, provided that such disability is a permanent physical disability, for which he has been retired from any branch of the armed forces and is receiving or is entitled to receive a retirement allowance, or (2) has a continuing service-incurred disability based on wartime service for which he is receiving or is entitled to receive a statutory award from the veterans' administration.

Discharge The permanent, involuntary separation of a person from Civil Service employment by an Appointing Authority.

Duty A work activity, function, or mission recognized by management as being a principal responsibility of a position.

Eligible List A list established by the administrator, pursuant to Civil Service law and Personnel Administration rules, of persons who have passed an examination; or a re-employment list established pursuant to section

40 of Chapter 31; or any other list established pursuant to the Personnel Administration rules from which certifications are made to appointing authorities to fill positions in the official service.

Entrance Requirements The prerequisites which an applicant must satisfy to be eligible to take an examination and be appointed to a position.

Employee Performance Review System (EPRS) A program to improve productivity by increasing communication between employees and supervisors.

Equal Employment Opportunity The removal of all barriers to employment which unfairly discriminate against certain groups of individuals. This applies to the areas of hiring, promotion, demotion, transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship programs, and all other terms and conditions of employment.

Executive Office Promotional Examination A competitive examination within an Executive Office for promotion within that office and open to certain employees in qualifying titles.

Flextime A program that allows participating employees to schedule their work hours on a daily basis within the guidelines and bandwidth established by their department. The number of hours worked per week remains constant, but the daily amount of hours can vary with employee selected starting and departing times.

Full-time Equivalent (FTE) The number of employees who would be filling positions by converting part-time and intermittent employment into a full-time basis.

Handicap Any condition or characteristic, physical or mental, which substantially limits one or more major life activities; or a record of such impairment; or regarded as having such impairment.

Job A non-technical term for a set of duties and responsibilities of a position or group of positions.

Job Analysis A systematic process for the examination and determination of:

- the nature, characteristics, functions, duties, activities or responsibilities of a job;
- the knowledge, skill or experience which is essential to have for its performance; and
- the environmental conditions, safety, equipment tools and related factors of the job.

Job Group A unit of a salary schedule which includes all classes in a position classification plan which are sufficiently comparable in value as regards duties and responsibilities, regardless of the field of work of which they form a part, so that the same salary range may be made to apply to all classes in the same unit of a salary schedule.

Labor Service The composite of all civil service positions whose duties are such that a suitable selection for such positions may be made based upon registration pursuant to section 28 of Chapter 31 rather than by competitive examination.

Noncompetitive Examination An examination given to an individual selected for original appointment by an appointing authority when it has been impossible to establish an eligible list.

Occupational Group (Occupation) All positions within a given discipline or field of work (all positions that are similar in kind) regardless of level of responsibility (e.g., the Professional Engineering Group).

Official Service The composite of all civil service positions not in the labor service.

Original Appointment An appointment pursuant to section 6 or section 28 of Chapter 31.

PAR (Personnel Administration Rule).10 A means for appointing authorities to remedy the effects of illegal discriminatory practices providing increased opportunities to members of protected groups being considered for civil service employment.

Performance Evaluation An evaluation of an employee's performance in accordance with the standards outlined in section 6A to 6C, inclusive, of Chapter 31 or section 46C(a) of Chapter 30.

Performance Management System (PMS) A strategic planning and performance appraisal system for managers.

Permanent Employee A person who is employed in a civil service position (1) following an original appointment, subject to serving of a probationary period as required by law, but otherwise without restriction as to the duration of his or her employment; or (2) following a promotional appointment, without restriction as to the duration of his or her employment.

Position A group of duties and associated responsibilities assigned by proper authority to be performed by an employee. A position may be full or part time, occupied or vacant, temporary or permanent. The number of employed workers equals the number of filled positions. The position is the basic unit of organization.

Position Allocation The first official placement of a position in a class forming part of a position classification plan of the Commonwealth.

Position Classification Plan The plans resulting from position allocations pertaining to the personal services of the Commonwealth, except offices and positions in the judicial and legislative branches.

Position Reallocation Any subsequent official placement of a position in a class, forming part of a position classification plan of the Commonwealth.

Probationary Period A preliminary period of employment prior to tenure of an employee for the purpose of determining her/his fitness for permanent employment.

Promotional Appointment An appointment pursuant to section 7 or, in the labor service pursuant to the Personnel Administration rules, or a person employed in one title to a

higher title in the same or a different series, or to another title which is not higher but where substantially dissimilar requirements prevent a transfer pursuant to section 35 of Chapter 31.

Promotional Examination An examination for positions in a particular class, admission to which is limited to employees in the classified service who have held a position in another class.

Promotional List A list of persons who have been found qualified by a promotional examination for promotion to a position in a particular class.

Qualifying Examination An examination given to test the qualifications of an incumbent whose position is placed under Civil Service by law or Personnel Administration rule, or an examination given to an individual to qualify for promotion, as provided in General Laws Chapter 31, section 8.

Race/Ethnic Groups:

White All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black All persons having origins in any of the Black racial groups of Africa.

Hispanic All persons of Mexican, Puerto Rican, Cuban, Central or South American culture of origin.

Asian or Pacific Islander All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

American Indian or Alaskan Native All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Register A list established by the Personnel Administrator, pursuant to the Civil Service law and the Personnel Administration rule from which certifications are made to appointing authorities to fill Civil Service positions in the labor service.

Regular Part-Time Employee A person who works a regularly scheduled work week of at least half the hours of a full-time employee and who receives benefits prorated on the percentage of time worked.

Reinstatement The restoration of an employee to a position pursuant to the Civil Service law and Personnel Administration rules.

Requisition A request by an appointing authority to the administrator to certify names of persons for appointment to civil service positions.

Roster A list of permanent employees in a departmental unit, arranged according to seniority, and of employees appointed pursuant to temporary or provisional appointments.

Rules The rules of the Personnel Administrator promulgated pursuant to the Civil Service law.

Seasonal Position A position requiring the services of an incumbent, on either a full-time or less than full-time basis, beginning no earlier than May 1 and ending no later than September 30th or beginning no earlier than November 1 and ending no later than April 1 in any twelve-month period.

Seniority Ranking based on length of service.

Series A vertical grouping of related titles so that they form a career ladder.

Suspension A temporary, involuntary separation of a person from civil service employment by an appointing authority.

Tasks Official assignments for carrying out a specific duty. A task may be an entire duty or may be part of a duty.

Temporary Employee A person who is employed in a Civil Service position, after a Civil Service appointment, for a specified period of time or for the duration of a temporary vacancy.

Tenured Employee A Civil Service employee who is employed following (1) an original

appointment to a position on a permanent basis and the actual performance of the duties of such position for the probationary period required by law or (2) a promotional appointment on a permanent basis.

Title A descriptive name applied to a position or to a group of positions having similar duties and the same general level of responsibility. Title and class are often used interchangeably.

Unassembled Examination An examination which consists of grading an examinee on the basis of her/his training and experience Chapter 31, section 16.

Unauthorized Absence An absence from work for a period of more than fourteen (14) days for which no proper notice has been given by the employee to the appointing authority, or person authorized to do so, and which may not be charged to vacation or sick leave allowance, or for which no approval was given as provided for in General Laws Chapter 31, sections 37 and 38, which absence shall be deemed to be an abandonment of her/his position and to be a permanent and voluntary separation from the service.

Veteran Any person who falls within the definition of a veteran appearing in the 43rd clause of section 7 of Chapter 4 having wartime service.

Wartime Service The same meaning as specified in the 43rd clause of section 7 of Chapter 4, or active service in the armed forces of the United States in any campaigns for which an award was made of any of the campaign badges enumerated in the definitions of a veteran.

